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I

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SPEECHES AND  
DOCUMENTS ON  
INTERNATIONAL  
AFFAIRS

1918-1937

*Edited with an Introduction by*  
ARTHUR BERRIEDALE KEITH  
D.C.L., D.LITT. LL.D.



VOLUME I

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## INTRODUCTION

AS a political philosopher and a statesman, the ideas of President Wilson were deeply affected by the conditions in which he developed. He was familiar with two distinct nationalities, the American and the British, in the enjoyment of political autonomy, co-operating heartily for the maintenance of friendly relations, and capable in North America of living side by side with an unguarded boundary. It was not unnatural that in his famous Fourteen Points<sup>1</sup> he should have sought to secure the application to the European situation of the ideals of democracy and of national autonomy, ignoring unduly the fact that democracy demands a higher stage of political development than had been attained generally in Europe, and that national autonomy in eastern Europe conflicted hopelessly with strategic and economic conditions, as well as with historical development. It is significant that in his address of January 8, 1918, his scheme for a general association of nations is essentially for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike, thus furthering the object of securing the reduction of national armaments to the lowest point consistent with domestic safety.

The treaties of peace with Germany, Austria, Hungary, Bulgaria, and Turkey gave the fullest scope to the doctrine of national autonomy, but experience soon showed that it was impossible to create new States capable of effective existence without incorporating therein substantial numbers of

other races who thus became minorities in lands where they had formerly been part of the dominant majority, and to whom could be accorded only the dubious protection of minority treaties. At the same time the stereotyping of the *status quo* established by the treaties was provided for by Article 10 of the Covenant of the League of Nations<sup>1</sup> which gave an unconditional guarantee of territorial integrity and political independence, while Article 16 provided a formidable system of sanctions to secure respect for Article 10. The necessarily imperfect character of the settlement was overlooked, and the provision for facultative change by the procedure of Article 19 was clearly without value. The situation thus created was plainly most dangerous, for a discontented Power was given no method of obtaining redress from an unduly favoured beneficiary of the treaty against the will of the latter, except through a formal breach of the treaty.

The reduction of armaments figured effectively in the League Covenant, and the defeated Powers were strictly limited in the quantity and character of the armaments permitted to them, 'in order to render possible the initiation of a general limitation of the armaments of all nations', as asserted in Part V of the Treaty of Versailles and emphasized in the reply of June 16, 1919, to the German objections to the draft treaty.<sup>2</sup> But the grave error was made by which reduction by the victorious Powers was left facultative, while the actual reductions imposed on the defeated Powers left them in a position probably inconsistent with national safety, and certainly incompatible with the enforcement by common action of international obligations, the two objects which

<sup>1</sup> No II, p. 13.

<sup>2</sup> Articles 159-203 pp. 42-9.

under Article 8 of the Covenant were to form the standard for the regulation of the forces of other members of the League.

In another respect the terms imposed on the vanquished were patently ill conceived. Imperfect understanding by political leaders of fundamental economic conditions, no less than deference to popular demands, excited by their own rash promises, induced the imposition on Germany in particular of demands which no amount of goodwill—and goodwill was conspicuously lacking—on the part of that Power would have enabled it to meet<sup>1</sup>. A needless aggravation of the position of Germany was caused by the proposal to try the ex-Emperor for his action in the matter of the war<sup>2</sup>. It is difficult to believe that the proposal was not made in earnest by the British Government, but the inevitable refusal of the Dutch Government to surrender him ended the incident, and the Allies virtually dropped the much more justifiable and important proposal to bring to justice some of the more heinous offenders against the rules of war.

On the other hand, enlightened benevolence marked the creation of a Labour Organization<sup>3</sup> under the auspices of the League, even if some of the principles enunciated lacked both precision and practicability. This part of the work of the negotiators has stood the test of experience and has developed a useful activity, doubtless marred at times by lack of sense of realities, but instigated by ideals of unquestionable value.

Another institution provided for by the Covenant has also had a life of increasing utility, chiefly

<sup>1</sup> Articles 231-4 pp 50-3

<sup>2</sup> Article 227, pp 49, 50

<sup>3</sup> Articles 387-427, pp 53-60



because it has not made any excessive demands on the autonomy of the States of the League. The Permanent Court of International Justice has dealt effectively with many issues of substantial importance. Moreover, its Statute provided for a modest measure of compulsory jurisdiction in the case of legal disputes, if such jurisdiction were expressly accepted by any States.<sup>1</sup> The creation of the Court provided a standing tribunal to which reference could be directed by subsequent treaties providing for the settlement of disputes between States should methods of inquiry and conciliation or arbitration by special tribunals fail.

To enforce a treaty so complex and so onerous as that of Versailles on Germany necessitated elaborate provision for the occupation of German territory pending due performance by that Power of the obligations, including those as to reparation, imposed by the treaty.<sup>2</sup> A certain, but only temporary, measure of security was thus provided for France and Belgium while more permanent provision was afforded by the demilitarization of the left bank of the Rhine and of the right bank to the west of a line drawn fifty kilometres to the east thereof. Even so, France was deeply disappointed at the inadequacy of her security, and it was part of the proposed settlement that aggression by Germany should involve aid by Britain and the United States, but this project foundered on the refusal of the Senate to support the policy in this regard of the President. However seriously the President may have been to blame in failing to carry American political opinion with him in his contributions to the peace settlement there can be no doubt of the gravity of the

<sup>1</sup> No. III.

<sup>2</sup> Articles 423-31 pp. 60-61.

responsibility which thus fell on the United States for the subsequent developments of the European situation

The defection of the United States from the system of collective security advocated by the President necessitated the substitution of other safeguards. Hungary by the Treaty of Trianon, 1920, suffered severe losses of territory to Rumania, Czechoslovakia, and Yugoslavia, and the Magyars were deeply dissatisfied and eager to regain part at least of the severed areas. Yugoslavia and Czechoslovakia formed, naturally enough, an alliance to counter aggression on either in 1920, and in the following year Czechoslovakia and Rumania came to like terms, while Yugoslavia went further, and formed relations with Rumania directed against attack either from Hungary or Bulgaria, which also had suffered heavily in the Treaty of Neuilly, 1919.<sup>1</sup> France naturally cemented her close relations with Poland by a treaty in February 1921.<sup>2</sup> At the same time the League began to realize the full weight of the obligations imposed by Article 16 of the Covenant, and many of its members showed unfeigned reluctance to contemplate their punctual execution, of the British Dominions Canada had from the first objected to the obligations of Article 10 and to the whole policy of sanctions. A resolution was accordingly passed by the Assembly in October, 1921,<sup>3</sup> which was not, indeed, capable of overriding the terms of the Covenant, but which was later to afford an effective method for reducing to innocuous proportions the regime of sanctions against Italy in the affair of Ethiopia.

<sup>1</sup> No IV Strengthened by Statute of Feb 16 1933 into an organization

<sup>2</sup> No V

<sup>3</sup> No VI

For the limitation of armaments something was accomplished, but only in the naval sphere in which the co-operation of the United States was available<sup>1</sup> It was accorded the more easily because it offered a mode of terminating the Japanese alliance which since 1901 had figured as an essential feature of British policy, but which was deeply disliked in the United States, and on that account opposed by Canada at the Imperial Conference of 1921 The loss of effective contact between the British and Japanese Governments thus brought about was certain deeply to affect the future history of the Far East, but this consideration was neglected in the anxiety to restore cordial co operation with the United States after the rejection by that Power of the policies of President Wilson

A further motive for British co-operation with the United States was afforded by the question of reparations The matter had been handled most unsatisfactorily, General Smuts by an argument of most doubtful value having secured the insertion among the items claimed of pensions and separation allowances. The total fixed by the Reparation Commission on April 27, 1921, was 132 milliard gold marks, a sum at least double the German capacity to pay even under favourable circumstances Moreover, Germany was recalcitrant and definitely unwilling to pay what she could have afforded to do Efforts to extract payments revealed also conflicting claims as to priority among the Allies themselves Further complication was induced by the action of the United States which put forward demands that the British war debt to that country, some £850,000,000 and interest thereon since 1919, should

be funded and repaid within a period of twenty-five years. This evoked from Britain one of the few really statesmanlike proposals of the period, the suggestion of the abandonment of all claim to German reparation payments and to repayment of loans by the Allies, as part of a general plan for the settlement of the whole question.<sup>1</sup> Failing such a settlement Britain would necessarily have to require from her Allies such repayments as, together with her share of reparations, would amount to the total she would require to pay the United States. Stress was properly laid on the fundamental consideration that the British debt to the United States was due to the fact that that Power declined to lend money to the other Allied Powers except in effect on British security. Lord Balfour's proposal was quite ineffective to win American support, and it was resented by the Allies, who had hoped that Britain would regard her share of reparations as covering their indebtedness to her, a project manifestly most inequitable.

One further act of statesmanship, to retrieve in part earlier errors, stands to the credit of the coalition government. Deserted by France and Italy, the firmness of Mr. Lloyd George and the skill of the British commander stayed the triumphant course of Mustapha Kemal, and rendered possible the moderate terms of the Treaty of Lausanne in 1923,<sup>2</sup> though misunderstandings and personal jealousies took advantage of the episode to destroy the Ministry. The Treaty recognized the British annexation of Cyprus, the protectorate over the Sudan, and the claim on Iraq, and provided for the demilitarization of zones on the Thracian frontier and in the region of the Straits, thus securing freedom of entrance into

<sup>1</sup> No VIII.

<sup>2</sup> No IX.

the Black Sea and egress thence. One fundamental clause abolished the regime of the capitulations which for so many years had hampered Turkish progress, and left the way open for fruitful reform under the genius of Mustapha Kemal, whose policy thenceforward was marked by a distinct friendliness to Britain.

Reparations in the meantime had provided grave ground for anxiety and had increased the tension between Britain and France caused by the secret treaty of October 1921, in which France made peace with the Angora Government in flat defiance of her obligations. M. Poincaré's determination to secure what was no doubt legally due to the maximum extent possible led to a distinct divergence of view between the British representative on the Reparation Commission and those of France, Belgium, and Italy, and a default by Germany in coal deliveries was formally notified on January 9, 1923, affording ground in the view of France and Belgium for the occupation of the Ruhr two days later. The legality of this action was hotly disputed by Britain, but on the whole the strict legal right of action of the two Powers should probably be conceded.<sup>1</sup> The result was utter confusion, for Germany adopted a system of passive resistance, which evoked severe reprisals from the occupying Powers. France went so far as to extend favour to an attempt to separate the Rhineland from Germany as a distinct State, but was driven to desist by the overwhelming evidence soon forthcoming that the movement had no popular backing. Meanwhile Germany drifted into ever-increasing financial difficulties and political confusion, one episode, the fruitless Bavarian rising of

<sup>1</sup> Cf. Wheaton, *International Law* (ed. Keith) i: 1211, 1212.

November 1923, introduced to the world Adolf Hitler, whose subsequent imprisonment in a fortress gave him occasion for the preparation of part of *Mein Kampf*, now the Bible of National Socialism.

Relief to an intolerable situation came from American co-operation, arranged in October 1923.<sup>1</sup> The outcome was the acceptance of proposals drawn up by a Committee under General Charles G. Dawes by a Conference which met in London in July 1924, under the auspices of the Labour Government, after M. Poincaré's resignation of office. Arrangements were made to stabilize the mark, and Germany undertook to make reparation payments, starting with a modest thousand million gold marks, the necessary ability to do so being secured by a foreign loan of 800 million gold marks which met the gold reserve requirements of the bank of issue, whose business it was to stabilize the currency, and certain other payments. An essential result of the acceptance of the Dawes plan was the evacuation of the Ruhr.<sup>2</sup>

The disturbances in the Ruhr and German unrest during the occupation, coupled with the marked coldness of British and French relations, had naturally impelled France to seek further support in eastern Europe, to supplement the treaty which she had concluded with Poland in 1921.<sup>3</sup> The States of the Little Entente were obviously natural allies, but only with Czechoslovakia was it possible to secure an alliance in January 1924.<sup>4</sup> Rumania held aloof, and Yugoslavia was engaged in negotiations with Italy which resulted in a treaty of January 27, 1924, which put an end to the original project for a Free State of Fiume by giving the main portion of the territory to

<sup>1</sup> No. X

<sup>2</sup> No. V

<sup>3</sup> No. XIII

<sup>4</sup> No. XI

Italy, while allocating Port Baros to Yugoslavia. It is significant that Italy had already, before the advent to power (October 30, 1922) of Signor Mussolini, shown her disregard for the League Covenant and treaty obligations by her action in August 1923 at Corfu, which she bombarded and occupied as a reprisal for the murder of an Italian general on Greek soil near Janina, while engaged on frontier delimitation. A fatal precedent was then set, the Council of the League acted feebly and allowed the Conference of Ambassadors to compel the payment by Greece of fifty million lire forthwith in lieu of requiring investigation by the Permanent Court of International Justice.<sup>1</sup> It was thus made clear that the lesser Powers could claim no redress from greater Powers, a lesson which unhappily Ethiopia did not take to heart.

The Labour Government in the United Kingdom, which had the satisfaction of securing the acceptance of the Dawes plan, aimed at bringing the U.S.S.R. within the circle of friendly Powers and accorded the Soviet Government recognition *de jure* in February 1924, without even obtaining Dominion concurrence.<sup>2</sup> The Coalition Government in 1921 had recognized the Soviet Government *de facto* and had concluded a trade agreement, but the new ministry aimed at an important treaty which would dispose of the grave question of claims by British subjects in respect of confiscations of property and repudiation of debts by the Soviet Government. An essential condition, of course, of friendship was the cessation of anti British propaganda both in Britain and in the Empire. On the other hand, the Russian negotiators

<sup>1</sup> Wheaton, *International Law* (ed. Keith) i 199

<sup>2</sup> No. XII.

demanding a British guarantee for a loan which would, it was pointed out, be necessary to enable the U.S.S.R. to meet any payments which it was decided were due to British claimants, and under pressure from the rank and file of the party the Government undertook to arrange for this. The treaty thus became impossible of acceptance by the Conservatives and Liberals alike, and defeat would have been certain. At the same time the Ministry was alleged to have shown indifference to the necessity of maintaining public security by the withdrawal of the prosecution of a man alleged to hold Communist views and to have been guilty of incitement to mutiny. A dissolution took place as a result of the carrying against the Government of a motion for a commission of inquiry, and the defeat of the Ministry was rendered inevitable by the publication by a misunderstanding of correspondence which seemed to show that, while Britain was showing so much favour to the U.S.S.R., efforts were being made by the Third International to secure the spread of Communism and the preparation of a revolutionary movement in Britain. The authenticity of the Zinovieff letter<sup>1</sup> was energetically denied at the time by the Russian Government, and the careful investigation made by the Foreign Office does not remove all doubt. What renders its genuineness probable is the fact that in 1923 and 1924 letters of similar type were addressed to Norwegian, German and American sympathizers. At any rate, the utter defeat of the Labour Government at the elections was unquestionably in substantial measure furthered by the discovery.

The defeat helped the destruction of another effort



had removed a constant cause of friction and bitter feeling, and Mr Chamberlain on March 5, 1925, had stressed the fact that Britain was too near the Continent to rest indifferent to what went on there. If a general agreement involving sanctions was impossible, a limited responsibility for what immediately interested Britain—the security of the Channel coasts and the ports of the Low Countries, might be considered. Germany had already proposed in 1922 to the Rhineland Powers to enter into mutual pledges to abstain from war for a generation, a disinterested Power to be included in the pact as trustee, the offer, repeated in 1923, was, on a British hint, renewed in February 1925. Difficulties delayed a settlement, as Germany aimed at securing a Rhineland pact with evacuation of the occupied areas forthwith, leaving her free to expand towards the east. But finally at Locarno on October 16, accord was achieved.<sup>1</sup> Belgium and France exchanged frontier guarantees with Germany, Italy and Britain acting as additional guarantors. They also concluded arbitration conventions with Germany to provide for the peaceful settlement of any disputes. Germany made accords with Poland and Czechoslovakia for a like purpose, though without any guarantee of their frontiers, and to remedy this omission France entered into treaties with Poland and Czechoslovakia. At the same time the Powers gave assurances to Germany regarding the interpretation which they put on the obligations which Germany would assume under Article 16 of the League Covenant, which assured that Power of their limitation by reason of her geographical position and relative disarmament. The way was thus open for Germany to seek admission to the

<sup>1</sup> No XV

League The accords reached were vitally connected with the security of the Covenant, and it is significant that their repudiation followed only on the violation of that instrument by all the Locarno signatories

The value of the accords was unquestionably very substantial, but naturally the Powers concerned did not desist from efforts to improve their position by diplomacy Germany, which had probably had Russia in mind when objecting to be bound by the full terms of Article 16 which might have involved permission for the transit through her territories of forces to aid Poland against a Russian attack concluded in April 1926<sup>1</sup> an accord for constant and trustful co-operation with Russia, while France carried her agreements with Czechoslovakia to a logical completion by agreements in 1926<sup>2</sup> and 1927<sup>3</sup> with Rumania and Yugoslavia Relations between Britain and the U S S R, on the other hand, did not become more cordial, and a definite breach took place in May 1927<sup>4</sup> after a sensational search of the premises of 'Arcos, the trade department of the Soviet Government in London, had brought to light definite evidence of anti British propaganda The incident, though spectacular, was not of first rate importance Of much more permanent significance, on the other hand was the denunciation unilaterally by Persia<sup>5</sup> of the capitulations which bound her, and the treaties which diminished her tariff autonomy Though the matter was to some extent adjusted by the conclusion of a formal agreement and by the giving of assurances of the just treatment of foreigners in the local courts the example had been set of the success of the cancellation of formal obligations

<sup>1</sup> No XVI

<sup>2</sup> No XVII

<sup>3</sup> No XIX

<sup>4</sup> No XVIII

<sup>5</sup> No XX

without the concurrence of the other parties or compensation, a precedent certain of early imitation. In fact the demand for abrogation of the privileges of foreigners, which had been for years raised in China where conditions of more or less anarchic character prevailed as the result of internal feuds between rival factions, was so strongly pressed that the Labour Government of 1929<sup>1</sup> consented to gratify the promising administration at Nanking by accepting January 1 1930, as the date whence should start the elimination of the conditions which pressed heavily on Chinese autonomy, though it insisted that unilateral action pure and simple would not be countenanced. In the like spirit of conciliation it arranged next year for the rendition of Weihaiwei<sup>2</sup> to China, a concession long before contemplated as the logical sequence to the cessation of the Russian tenure of Port Arthur and the German hold on Kiaochow and the Japanese renunciation of Shao tung. Further, it agreed to resume relations with the Russian Government on the strength of assurances that anti-British propaganda would be terminated.<sup>3</sup>

In the more immediate sphere of Europe Britain was unfeignedly eager to secure progress to settlement. She had risked annoyance to the Dominions by concluding the Locarno Pact, though she had secured exemption for them from obligations thereunder, and at the Imperial Conference of 1926 approval of her action was expressed, though no Dominion consented to undertake any responsibility under its terms.<sup>4</sup> The accord left the way open for steady progress with disarmament, and the

<sup>1</sup> No XXVI<sup>2</sup> No XXVII<sup>3</sup> No XXV<sup>4</sup> *See the Speeches and Documents on the British Dominions, 1918-31, p. 391*

League Council appointed in December a Preparatory Commission with the view of clearing the ground for a full conference in 1927. Efforts were also made to secure the presence of the U S S R and thus, together with unexpected delay in the formal admission of Germany into the League, delayed procedure. It was soon apparent that not even the pacts had induced a real feeling of security, and that France was most reluctant to reduce her forces to anything approaching the German standard under the Treaty of Versailles. The well meant efforts of the United States to secure further limitation in naval armaments, dissociated from general disarmament and security, appeared unsatisfactory to France and Italy, and the Three Power Conference which met in June 1927 at Geneva ended without result, the British Government having come to realize that to reduce largely its strength in cruisers would involve grave risks to British commerce in war time. Greater success attended a more spectacular undertaking, the formal negation of war as an instrument of international policy. The idea was suggested by M Briand to the United States in April 1927 as regards the relations of the two countries. On September 24, 1927, the League Assembly adopted a Polish resolution prohibiting wars of aggression and a like resolution was accepted by the Sixth Pan-American Conference in February 1928. On December 28, 1927, Mr Kellogg proposed to M Briand that the proposed agreement between France and the United States should be made multilateral, and on August 27 the accord was signed by fifteen Powers,<sup>1</sup> and the other powers were invited and consented with almost complete unanimity to sign. The accord,

<sup>1</sup> No XXI.

however, lacked entirely any sanction, and the British reservation of the right of defence of certain regions in which she had special interests, and the insistence by France on the reservation of her previous treaty obligations suggested the probability of difficulties in the carrying out of the pact.

The more practical work of agreeing to bases for reduction of armaments had hung fire, and the League Assembly in 1927 had authorized the establishment of a Committee of the Preparatory Commission to consider the problem of security, on which plainly disarmament must largely depend. Hence was developed the General Act for the Pacific Settlement of International Disputes<sup>1</sup> approved by the Assembly in 1928, which provided for conciliation, the reference to the Permanent Court, or an arbitral tribunal of justiciable disputes, and the settlement of other difficulties by arbitration. The essence of the Act was freedom of choice, and reservations on acceptance were permitted. It followed hence that advantage might be derived from consideration of the reservations made by other Powers before action, and the British Government refrained for the time being from doing anything. It was left to the Labour Government of 1929 first to accept with important reservations the Optional Clause of the Statute of the Permanent Court of International Justice<sup>2</sup> and, after discussion at the Imperial Conference of 1930, to adhere with like reservations to the General Act in 1931.<sup>3</sup> The reservations excluded controversies arising out of past situations and inter-imperial disputes, as other

<sup>1</sup> No XXII.

<sup>2</sup> *Keith Speeches and Documents on the British Dominions*, 1918-31, pp. 410-17.

<sup>3</sup> *Ibid.*, pp. 425-31.

Powers made considerable reservations also, the net outcome of the General Act has remained negligible. The U S S R, however, concluded in January 1929<sup>1</sup> a treaty of conciliation with Germany. M. Litvinov had appeared at the Preparatory Commission on the resumption of its toils in November 1927, when he startled the world by the proposal of the abolition of all military, air, and naval forces, and thereafter he had shown an inclination to support Count Bernstorff in his demands that the Commission should accelerate progress to a settlement.

More immediate satisfaction, however, was forthcoming for Germany on two vital issues, the evacuation of the Rhineland and the permanent settlement of the issue of reparations, contemplated as ultimately essential by the Dawes scheme. The League Assembly of 1928 was informed that as a result of informal discussions arrangements had been made on both heads, and in August 1929<sup>2</sup> an agreement for the evacuation of the Rhineland was signed, and by the following June was made effective. The reparation discussions were carried on by a committee on which Germany was represented, a significant token of the changed position of that Power as a member of the League, and the Young Report made important concessions to Germany, while placing on that Power the responsibility of securing the transfer of the sums payable in foreign currencies. Only part of the sums now fixed was to be payable unconditionally, and the distribution among the Allies of this amount raised vehement disputes, leading at the Hague Conference of August 1929 to a dramatic stand by the Socialist Chancellor of the Exchequer for British rights. He succeeded in

<sup>1</sup> No XXIII

<sup>2</sup> No XXIV

securing important concessions, and a second Conference in January 1930 was more amicable. Germany seemed well able to pay under the new scheme, and the opposition of the Nationalists to acceptance, though carried to a referendum, resulted in homologation of the scheme by a large majority.

The Labour Government at the same time was working for naval disarmament, and at the London Conference of 1930<sup>1</sup> accepted parity with the United States in the matter of cruisers by reducing the British claim for seventy to fifty cruisers. There was little doubt at the time, and none now, that the reduction was wholly unwise, and it is clear that the Sea Lords of the Admiralty should have made more effective protests. Even so, the abolition of submarines desired by Britain and the United States had to be dropped, though conditions of their employment were enunciated, and Japan accepted a position of inferiority with reluctance. France and Italy could not agree as to parity, and did not become parties to the treaty. It was, however, commended to the public by the Ministry on the plea that it facilitated agreement in the Preparatory Commission, but in fact the draft disarmament convention produced at the close of 1930, for consideration by a full Conference in February 1932, was a disappointing instrument, British views having been suppressed in order to secure a majority report, which was unacceptable both to the U.S.S.R. and to Germany and evoked little satisfaction anywhere. In fact, complete lack of confidence in security had prevented France in particular from making any serious contribution to the cause of reduction of armaments, and with the death of Herr Stresemann

<sup>1</sup> No XXVIII.

on October 3, 1929, had passed away the German statesman, who had been responsible for the Locarno policy, and who had worked indefatigably for its fulfilment. The British Government remained resolutely optimistic, and in this frame of mind it arranged for the termination of such tutelage as it had exercised over Iraq<sup>1</sup> and promised support for the entry of that far from civilized State into the League of Nations. How misplaced was its trust was to be seen shortly after the admission of Iraq to the League on the motion of Britain in 1933, when an utterly inexcusable massacre of the hapless Assyrians, prematurely abandoned by the British Government, illustrated the unfitness of the country for self-government, and cast the deepest suspicion on protests in Palestine of the capacity of Arabs to be given authority over non Arab races.

A different and more practical type of idealism seems to have produced the remarkable project<sup>2</sup> of M. Briand for a federation of Europe, circulated in May 1930 to European States. The scheme no doubt was largely dominated by the desire of France to attain security and freedom from that anxiety, which inevitably oppresses a people which felt the strain of 1870-1 and the infinitely more serious one of 1914-18, and by the feeling that the League could not effectively operate as regards the affairs of Asia or of America and that much more could be effected by reducing the ambit of its efforts. The project also excluded the U.S.S.R. and Turkey,<sup>3</sup> both then outside the League. Its character won it support from Belgium, Poland, and the States of the Little Entente, while Germany, Hungary, Bulgaria, and Italy pressed

<sup>1</sup> No XXX

<sup>2</sup> No XXIX

<sup>3</sup> Turkey was admitted to the League on July 18, 1932



for the inclusion of the omitted Powers Sent to a Commission of the League for study, the project remained a mere suggestion, implying a measure of solidarity in Europe which had not even begun to exist

The interdependence of Europe and America was in fact about to be shown by the catastrophic result as regards Europe of the collapse of the artificial prosperity prevailing in the United States which was revealed in October 1929 Germany had been borrowing wholesale from the United States, to a far greater extent than was necessary to meet reparation payments, and though her revenues had grown largely, was spending far more than her receipts, by the use of the convenient method of short term loans These were now cut off, and Dr Brüning who became Chancellor in 1930, was compelled to impose drastic economies which rendered him unpopular, and to govern by the use of emergency powers conceded by the legislature, thus paving the way for its virtual supersession The debacle began in Austria with the failure in May 1931 of the Credit Anstalt of Vienna, a private institution but one of the highest importance in Austrian finance, and a Communist riot in the Ruhr and the unpopularity of the economy and tax decrees resulted in the whole sale withdrawal of foreign funds from Germany Some relief was given by the proposal of President Hoover of a moratorium which was accepted generally by July 6, and on August 19 the bankers agreed to prolong foreign credits in Germany for six months As is well known, Britain was deeply affected by the foreign difficulties augmented by the failure to face the rapid increase in the deficit in the unemployment fund Mr MacDonald's Ministry

failed to meet the situation, and yielded place to a National Government which intended to remain on the gold standard, but was driven thence by the mutiny in the fleet at Invergordon, which, exaggerated abroad, created such distrust in British stability that the effort to maintain the standard had to be abandoned on September 21. It is not surprising that in November Germany asserted that further transfer of reparation annuities would be disastrous, and that, after some needless delay, a conference at Lausanne determined in June 1932 on the virtual termination of reparations, Germany paying a nominal total of three milliards Reichsmarks in bonds to be later negotiated if possible.

Ratification of this accord was made conditional on the satisfactory settlement of the issue of war debts. But, though hopes of American assistance had been held out at an interview between President Hoover and M. Laval, Congress in December 1931 proved wholly unwilling to consent to any cancellation or reduction of foreign indebtedness, and after the expiration of the moratorium the approaches of Britain and France were rejected in November and December 1932.<sup>1</sup> France had to default in her payment, while Britain paid in gold with an intimation that the sum would be regarded as a capital payment in any final settlement. Mr. N. Chamberlain insisted that a settlement on a final basis was necessary, and that the reparation agreement must be regarded as definitive, but the new President was unwilling to come to any terms, and insisted that, while the United States was willing to attend a World Monetary and Economic Conference whose meeting was advocated by the Lausanne Conference, war

<sup>1</sup> No XXXIII

debts must not figure on the agenda. The Conference duly met at London on June 12, 1933. But no proper preparations had been made to secure fruitful discussions, and what little chance of effective results may have existed disappeared with the *volte face* on the part of the United States Government, where the President had on May 16 demanded a stabilization of currencies, only on July 3 to repudiate the plan accepted at the Conference. The prolongation thereafter of the Conference served no purpose whatever beyond proving its complete futility. Britain in the meantime had kept alive her debt to the United States by token payments of the two instalments due in 1933. When in June 1934 Congress legislated to exclude the avoidance of legal default by this device, the British Government decided that payment in full would be calamitous in its result and deliberately defaulted, as it has done on each occasion on which the United States request has since been presented. Though it is patently unfortunate that Britain should even formally default on indebtedness, the essentials of her action are such as to demand from the United States a candid consideration of a settlement based on the payment of a substantial but moderate sum.

One outcome of the financial crisis was that Austria endeavoured to improve her economic position by negotiations for a customs union with Germany,<sup>1</sup> the terms of which were published on March 23, 1931, and raised forthwith vehement protests from France, Czechoslovakia, and Italy. The case against the union was based not merely on the terms of the treaties of peace, but in special on the more precise requirement of the first Protocol

<sup>1</sup> No XXXI

for Austrian Reconstruction, 1922, which definitely forbade any economic engagement calculated directly or indirectly to compromise her independence. Britain pressed for the submission of the issue to the consideration of the Council of the League, which sought an opinion from the Permanent Court of International Justice. But before the opinion, which by a majority of eight to seven disapproved of the action of Austria, was given the Austrian Government as a result of the collapse of the Credit Anstalt had fallen under the influence of France and had renounced the project. But the episode served to emphasize the artificiality of the settlement which prohibited Austria from uniting with Germany, now that by the break up of the Empire her *raison d'être* as a distinct State had largely ceased to exist. The problem was patently only postponed, not solved, but the energy of the Italian opposition suggested how deeply Italy was concerned to prevent the German frontier being advanced to that of Italy, in view of the unfortunate position of the essentially German population of the South Tyrol, whose inclusion in Italy was one of the violations of principle of the treaties of peace.

The League was now to be severely tested by the action of Japan, induced ultimately by economic conditions, rendered more difficult by the collapse in America and Europe which lessened demand for exports from Japan and strengthened the economic nationalism already prevailing through the addition of Britain to the number of Powers following a policy of restricting foreign purchases. The natural annual increase of population was some 900 000, and an outlet by way of emigration was impossible to find in a world which looked askance on Orientals.

Japan naturally turned her attention to the development of her claims in Manchuria. She had acquired by the Treaty of Portsmouth, 1905, the Russian lease of the Liaotung Peninsula and her rights in the South Manchurian Railway, with an informal promise that China would not construct a competitive main line, and in 1915 she had obtained by pressure on China extension to ninety-nine years of her leasehold rights, and the right of her subjects—held since the annexation of Korea in 1910 to include Koreans—to lease land, and to travel, reside, and carry on business in South Manchuria. Japan had also the right to police by military force the railway. China, naturally enough, resented the surrender of authority extorted from her in 1915, promoted unfair railway competition and denied Koreans the rights claimed. In 1931 Chinese intransigence was general. A mandate of May 4, 1931, imitated the Persian model by unilateral denunciation of the capitulations, and the murder of an Englishman, Thorburn, threw a vivid light on the worthlessness of Chinese protection of foreigners. The murder of a Japanese officer, Captain Nakamura, gave opportunity for decisive action by the Japanese Army command, during the night of September 18. Mukden was occupied by Japanese forces on the plea of an attack on a detachment, and, despite some hesitation caused by protests from the United States and the League, South Manchuria had been occupied by January 1932. Attacks on Japanese in Shanghai resulted in severe fighting in February and March, terminated by an armistice arranged through the mediation of the British ambassador in May. In the meantime Japanese initiative had brought about in March the creation of a State of Manchukuo, presided over by

the ex-Emperor of China, which was formally recognized by Japan on September 15, when a treaty was signed<sup>1</sup> China, where the rivalry between Nanking and Canton had been ended by the Japanese attack, first appealed to the League under Article 11 of the Covenant on September 21, but on January 29, 1932, invoked Articles 10 and 15. The issue was referred to the Assembly on March 3, but there was marked reluctance to attempt any serious action in view of the fact that neither the U.S.S.R. nor the United States were members of the League, and any sanctions would fall to be enforced by the British Navy. The Assembly then, following the precedent set by the United States, contented itself on March 11 with enunciating the doctrine of non recognition of any situation brought about by disregard of the League Covenant and the Kellogg Pact. In the meanwhile a Commission of inquiry had been appointed by the League Council with Japanese approval on December 10, and its report was issued on October 2, 1932. Its attitude favoured a large measure of autonomy under Chinese sovereignty for Manchuria, suitable provision for respect for Japanese rights, and co-operation between China and Japan, but it negatived the genuineness of the alleged creation by spontaneous action of Manchukuo. Efforts to secure Japanese acceptance of the report failed, and in February 1933 Japan claimed Jehol, which lies between Manchuria and the Great Wall of China, as part of Manchukuo and replied to the condemnation of the Assembly by notification of withdrawal from the League. Its advance on Peiping resulted in Chinese acceptance of an armistice at Tangku on May 31 which demilitarized some 5,000

<sup>1</sup> Manchukuo was declared an Empire on January 8, 1934

square miles of Chinese territory on the Chinese side of the Great Wall <sup>1</sup>

Clearly the situation demanded from the League the application of sanctions if effect were to be given to the categorical requirement of Article 16. Nothing, however, was done and a clear precedent was given that the League could safely be defied. The only consolation left for the moment to the supporters of collective security was the fact that the events had occurred in Asia and that essentially the Covenant could only be expected to work effectively in regard to Europe, a view supported by the rather ineffective efforts for the time being of the League to induce appeasement between Peru and Colombia, and Paraguay and Bolivia. Moreover anxiety, which had been excited in April 1934 by the apparent enunciation by Japan of a doctrine negating any military aid of any kind to China, or the grant of loans for political purposes by foreign Powers, was allayed if not wholly dissipated by explanations proffered by Japan <sup>2</sup>

But League influence was thus sapped at the very time when it was exposed to the most serious pressure by the advent to the German Chancellorship of Herr Hitler, and his successful manipulation of the incident of the burning of the Reichstag building to secure the overthrow of the Communists and other possible opponents and the winning of an election which enabled him to receive on March 23, 1933, a grant for four years of plenary power from the legislature. Germany's opposition to the proposals brought before the Disarmament Conference in 1932 had been consistent, and the Conference had made minimal progress. France<sup>3</sup> asked for the

<sup>1</sup> No. XXXIV

<sup>2</sup> No. XL

<sup>3</sup> Cf. No. XXXII for French views in 1931

creation of an international force, primarily an air force, Britain suggested qualitative disarmament, President Hoover a quantitative scaling down which showed scant regard for the needs of the British Empire, but of which Italy approved, but Germany pressed for equality, and on December 11 Britain, France, Germany, Italy, and the United States agreed to a formula of equality of rights in a system which would provide security for all nations. On the resumption of work in the following year Mr MacDonald submitted a plan in March, but some confusion was caused by his acceptance immediately afterwards of a suggestion by Signor Mussolini in favour of co-operation by France, Britain, Italy, and Germany for the purpose of treaty revision. This project was so vehemently criticized that in its final form<sup>1</sup> it assumed innocuous shape, but it had served a mischievous purpose in alienating Poland from France, for Poland naturally enough felt that the four-Power scheme was aimed at revision in favour of Germany, and had been devised to circumvent her power of veto as a member of the League Council. Her entry on January 26, 1934, into a pact of non-aggression for a period of ten years with Germany may be traced to the feeling that she could no longer place implicit confidence in the French alliance.

The Conference proceedings can hardly be said to have given Germany much hope of a successful outcome for her claims, and the abrupt withdrawal of Germany from both the Conference and the League in October was not unnatural.<sup>2</sup> Germany, however, submitted counter proposals of which the most vital point was the offer to accept an army of 300,000 men,<sup>3</sup> but France, despite British advice, proved

<sup>1</sup> No XXXV

<sup>2</sup> No XXXVII

<sup>3</sup> No XXXVIII



obdurate and the opportunity such as it was slipped away. The situation in Europe was plainly becoming more menacing. The U S S R, which had developed a wide energy in concluding treaties of neutrality and non aggression in 1931-2 with France, Poland, Finland, Estonia, and Latvia, and had in 1933 devised a form of treaty for defining the aggressor<sup>1</sup> which is of some merit, decided to form closer relation with the League into which she was welcomed on September 18, 1934.<sup>2</sup> The Balkan States, Turkey, Greece, Rumania and Yugoslavia on February 9, 1934, entered into compacts which bound them to common action in regard to any Balkan non-signatory Power, and thus united them to resist any demand from Bulgaria for treaty revision, a topic made urgent by the four Power negotiations of 1933, and the rumours connected therewith. On one head, however, anxiety at one time acute was finally relieved by an accord of June 2 between France and Germany.<sup>3</sup> The latter had demanded the unconditional return of the Saar before the date fixed for the plebiscite to determine the fate of the territory, and, when this was inevitably refused, the Nazi party in the Saar set up a régime of terrorism against the Communists and Socialists who might possibly be guilty of voting against return in the actual plebiscite. A dangerous situation thus arose which was in part mitigated by the accord reached by the two Powers to forbid pressure or reprisals if the voting went in favour of either. In the ultimate issue the vote for Germany (January 13, 1935) was overwhelming, and by the restoration of the territory one source of grievance for Germany disappeared.

Germany, however, had had a much more im-

<sup>1</sup> No XXXVI

<sup>2</sup> No XLI

<sup>3</sup> No XLII

portant end in view, the incorporation of Austria in the Nazi sphere through the triumph in Austria of the Nazi party over the Chancellor, Dr. Dollfuss, who in February 1934 had been forced by the pressure of his Heimwehr associates, who were definitely anti Socialist if not Nazi in outlook, to attack the Socialists. Efforts were made by the Chancellor to counter the Nazi threat by forming close relations with Italy and Hungary,<sup>1</sup> but in a rising on July 25 he was murdered. Italy, however, came immediately to the rescue, and the rising failed after some hard fighting in Styria and Carinthia, while Germany did not feel prepared to press the matter to an issue in view of the imperfect condition of her armaments. The episode brought out clearly the importance attached by Italy to Austrian independence, but also that there was little else to keep the Powers apart, and that it might prove easy for them to co-operate, if the Austrian question could be satisfactorily disposed of.

In these conditions short shrift was given by Germany to the proposal of M. Barthou of an Eastern Pact of Mutual Guarantee<sup>2</sup> which contemplated a treaty between the U.S.S.R., the Baltic States, Czechoslovakia, Poland, and Germany, while the U.S.S.R. was to receive a French guarantee of the frontier in return for association with the Locarno agreements. Germany naturally had no liking for such a suggestion, though Britain and Italy raised no objection, and she stressed her unwillingness to come to any accord while refused full equality in armaments, creating instead an air force (March 1, 1935) and reintroducing compulsory service (March 16). In these circumstances it was natural for the U.S.S.R.

<sup>1</sup> No XXXIX.

<sup>2</sup> No XLIII.

and France to come closer together, after the former had formally joined the League, and an agreement for mutual assistance<sup>1</sup> communicated in May 1935 proved of vital importance, for it evoked bitter opposition in Germany, which seized on the opportunity to declare that the new pact ran counter to the Locarno system and must therefore be rejected. Britain was conciliatory and sought to secure accord. At the same time the denunciation by Japan of the London Treaty of 1930 on naval armaments<sup>2</sup> had created a very difficult position, and it was plain that Germany could no longer be held to the terms of Versailles. An accord, however, was reached in June, which promised definite simplification of the situation by the renunciation by Germany of any naval rivalry. Unfortunately the conclusion of such an accord without the concurrence of the French and other Governments was unquestionably open to the accusation that it amounted to a violation of the Versailles Treaty by two of the parties without general assent, thus constituting a serious derogation from international law and opening the way to further invasion of the Treaty of 1919.

While the matter was in the balance, a decisive turn to the situation was given by the outbreak of hostilities between Italy and Ethiopia.<sup>3</sup> The conflict had long been foreseen, but the difficulty of action under Article II of the Covenant owing to the rule of unanimity was held to preclude any effective action in advance to safeguard Ethiopia, and when actual war broke out, though the League admitted and proclaimed loudly that there had been aggression, the sanctions applied were carefully limited so as to impose no more than inconvenience on Italy. In

<sup>1</sup> No XLIV

<sup>2</sup> No XLV

<sup>3</sup> No XLVI

particular the stoppage of oil supplies which might have been decisive was not carried out. It was possible that aid in this regard might have been forthcoming from the United States, but at the critical moment the terms for settlement drawn up by Sir S. Hoare and M. Laval so flagrantly violated the obligations of both Powers under the Covenant that all belief in the good faith of the Powers was destroyed in America, and Italy was made to realize clearly that Ethiopia would be abandoned to her fate. The use of poison gas, forbidden by a convention of 1925 accepted by Italy, secured the defeat of the Ethiopian forces which had unwisely disregarded the Emperor's policy of defence, and, at the instance of Mr. Chamberlain, who denounced the continuation of sanctions as the midsummer of madness, Ethiopia was deserted and the policy of seeking an accord with Italy was busily pursued.

The betrayal of Ethiopia was primarily the work of M. Laval, who, refusing to make any substantial sacrifice of French colonial territory to Italy, sought to secure accord with that Power by the grant of a free hand in Ethiopia, and full retribution was soon forthcoming. Herr Hitler had held aloof from the imposition of sanctions on Italy, thus paving the way for the establishment of cordial relations with that Power, and he recognized that the League was worthless as a protection for its members. On March 7, 1936,<sup>1</sup> he reoccupied by military forces the Rhineland area demilitarized under the treaty of peace, and explained that the Locarno agreements were no longer valid. Resistance to his action was impossible, the Hoare-Laval terms had shattered the position of the League, and all that was possible was

<sup>1</sup> No. XLVIII, for his peace plan, No. XLIX.

reaffirmation of the British determination to aid France or Belgium if German forces actually attacked their frontiers. Belgium, realizing the new position, hastily manifested the desire to be relieved of any obligation towards France or Britain, and this was accorded in April 1937,<sup>1</sup> the two Powers making a virtue of necessity, and seeking to console themselves with the belief that Belgium would develop sufficient armed strength to deter Germany from attack.

Britain now hastily set about the restoration<sup>2</sup> of her armed forces whose defects had become apparent, even if they were, for political purposes, exaggerated during the period of strained relations with Italy. A very important declaration of his conception of the duty of a Government by Mr. Baldwin on November 12, elaborated on November 18,<sup>3</sup> revealed to a rather astonished world the fact that he had realized two years earlier the deficiency of British defence preparations but had not attempted to remedy them because of the risk of loss of popularity and of seats at the general election. His doctrine, however, seems to have satisfied his followers and to go far to establish the principle that leaders should follow rather than seek to guide public opinion. The plausibility of this theory, if restricted to the sphere of domestic affairs disappears when applied to external relations, for it is in the nature of things inevitable that the public has far too little knowledge of foreign relations to be able to form any intelligent judgement as to the needs of defence, and that it is peculiarly incumbent on Ministers in all matters falling within that sphere to take the initiative even at the risk of unpopularity.

To a limited extent the new political position in Europe was conducive to satisfactory results. Turkey

<sup>1</sup> No. LV

<sup>2</sup> No. XLVII

<sup>3</sup> No. LIII

approached the Powers with an irresistible demand for the relaxation of the fetters placed by the Treaty of Lausanne on her sovereignty in the region of the Straits, and a conference at Montreux arrived at a just solution which did not ignore the rights of Russia to communication with the Mediterranean.<sup>1</sup> Italy did not dare to resist the general accord Britain<sup>2</sup> for her part at last recognized that terms must be made with Egypt which that Power could honourably accept. Too late it was realized that the substitution of an Italian military colony for a weak Ethiopian State menaced the communications of Britain with the East, and that Signor Mussolini was in earnest with his doctrine that to Italy the Mediterranean was *vita*, to Britain and France but *via*, a view neither Power could homologate. Hence demands once firmly rejected by Egypt were conceded fairly, after the initial error of seeking to keep in abeyance the constitution of 1923 which was illegally destroyed in 1930 had been abandoned, and an effective alliance was duly arranged under which the British occupation was ended and the position of the British forces placed on a sound basis. At the same time a promise to aid in the removal of the capitulations was given, which was fully implemented at a conference at Montreux in 1937. A further concession dictated the abandonment of any claim of the King's sovereignty in the Sudan, leaving the way open for the acceptance in due course of the full authority of Egypt in that territory, a sacrifice fully justified by the necessity of securing Egyptian co-operation against any effort on the part of Italy to close the Suez Canal.<sup>3</sup>

<sup>1</sup> No L.

<sup>2</sup> No LI.

<sup>3</sup> Keith *The King, the Constitution, the Empire, and Foreign Affairs 1936-7* pp 135-7.

A further outcome of the Ethiopian débâcle was the proposal, discussed at the 1936 meeting of the League Assembly,<sup>1</sup> to remodel the terms of the League Covenant in the light of what had happened. It appeared, however, that the obvious plan of removing sanctions was by no means welcome to the lesser Powers of Europe, many of whom regarded Articles 10 and 16 as essential elements in the Covenant. To a situation already very difficult fresh trouble was added by the outbreak of civil war in Spain, for the existing Government of that country, which had been duly accepted by the other members of the League, naturally contended that here was a case of aggression since their opponents were plainly being aided by Italy and to a less extent by Germany. The point was obviously not without difficulty, because it is open to the Powers whose action is impugned to contend that a Power which intervenes in a civil war is menacing neither the territorial integrity nor the political independence of the country concerned. A remarkable situation<sup>2</sup> developed through the adoption on the instance of France of a non-intervention agreement which bound the Powers to aid neither the legitimate government nor the rebels by supplying munitions. Thus precedent for differential treatment of a recognized government in favour of insurgents was naturally denounced by the Spanish Ministry. The agreement also resulted in an illogical position as regards the protection of British shipping for the British Government, despite the fact that the insurgents were in law pirates while not recognized, refused to protect British ships against their attacks while in territorial waters. The immunity thus given naturally resulted in the

<sup>1</sup> No LII

<sup>2</sup> No LIV

adoption of air and submarine attacks against British and other ships on the high seas, necessitating agreements at Nyon on September 14 and 17, 1937, for joint action against the 'gangsters', as Mr Eden dubbed them. To the conferences at Nyon Italy had at first refused the presence of her representatives, but on the successful outcome of the discussions she hastened to seek admission to the arrangements. This, one of the very few cases in which the Powers had shown firmness in the face of Italy, proved that collective action still had value.

Some importance attaches to the accord reached at the end of 1936 between Britain and Italy, because under it Italy has claimed, no doubt correctly,<sup>1</sup> the right to intervene in Spain to prevent the setting up of an independent Catalan Republic. At the important meeting, in September 1937, of the Duce and Herr Hitler it was made clear that the willingness of Italy and Germany to live on peaceful terms with the western Powers was essentially dependent, not merely on the accord by the latter of the fullest equality to the former, but also on a minimum opposition to Bolshevism, in brief, that the western Powers must commit themselves to participate in some measure in the campaign against Bolshevism, and must recognize the Franco régime in Spain. For Britain and France alike the presence in Spain of a Government dependent on Italy and Germany would patently present serious dangers. France for her part pressed in October 1937 for the withdrawal of the large Italian and other foreign forces in Spain, leaving the issue to be decided by the rival factions, who would in such an event be likely

<sup>1</sup> Keith *The King the Constituent on the Empire, and Foreign Affairs 1936-7*, pp 166 167



to find a *modus vivendi* allowing the triumph of neither

The Spanish Government naturally endeavoured at the September meeting of the League Assembly to secure a declaration condemning the intervention of Italy as an aggression in the sense of Article 10 of the Covenant of the League of Nations. The Assembly was inclined to take this course, which would have had the interesting result of negating intervention in any civil war, at least in support of insurgents and thus extending the natural meaning of Article 10 but, while thirty two countries voted for the resolution, Albania and Portugal, under the influence of Italy, voted against the resolution, which thus under the rule of unanimity, was lost. In addition the representatives of four members were absent and the delegations of fourteen refrained from voting, the latter included not only the Irish Free State, whose Government has been repeatedly pressed to recognize General Franco as the champion of the Roman Catholic faith, but the Union of South Africa, whose anxiety to be on good terms with Italy had already manifested itself in the continued payment during sanctions against Italy of the subsidy due to Italian merchant vessels. Spain also failed to obtain the necessary vote for eligibility for re-election to the Council of the League of Nations on the expiration of her term, and it may be assumed that for Spain as for Ethiopia the protection of the League has proved valueless.

At the same time, the League was called upon to deal with appeals from China in respect of aggression by Japan. Japan, having no dependent State on the League, was unable to prevent the adoption of a resolution under which the Assembly 'expresses its moral

support for China and recommends that members of the League should refrain from taking any action, which might have the effect of weakening Chinese power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China. A request was also made that the President should take steps with a view to the convening of a meeting of the Powers which were parties to the Nine-Power Treaty of Washington<sup>1</sup>. This step was duly taken by Belgium, the President of the United States having in a speech at Chicago on October 5 indicated the possibility of the United States co-operating in measures to 'quarantine' an aggressor State. It must, however, be noted that the policy of the League and the President alike are essentially negative, making no provision for reconsideration of inequitable conditions pressing on less fortunately situated Powers such as Japan or Germany, which has intimated<sup>2</sup> a demand for the consideration of her claim to the restoration of the colonies of which she was deprived by the Treaty of Versailles<sup>3</sup>.

In these circumstances the Imperial Conference of 1937<sup>4</sup> was naturally unable to arrive at any resolutions in the sphere of foreign affairs indicating clearly the policy to be followed by the British Commonwealth. The most definite result achieved was a determination to avoid commitment to forming part of any grouping of the Powers based on devotion to any political theory, despite the fact that all the units of the Commonwealth are convinced adherents of the principle of democracy. The report of the Conference was silent on the reaction of the Empire

<sup>1</sup> Cmd. 1627, Art VII, p 46

<sup>2</sup> No II, Art 119, p 37

<sup>3</sup> October 7, 1937

<sup>4</sup> No LVI

to the demand of Herr Hitler, homologated by Signor Mussolini, for the return to Germany of her former colonies as an indispensable element in European appeasement. It is, however, notonous that no unit of the Commonwealth is prepared to make any surrender, thus presenting a definite negation of all claims for revision of the peace settlement so far as affects the 870,000 square miles of territory brought by the war under and still subject to British control. The future of Palestine, however, is definitely within the control of the Council of the League of Nations, to which has been submitted the project of partition suggested by a Royal Commission under the late Earl Peel as the only effective solution of the problem set by the two aims of the mandate, the establishment of a Jewish National Home and the development of autonomy for the Arabs. No final decision can be taken pending negotiations to be conducted with Jews and Arabs by a further commission.

The Naval Conference of 1936<sup>1</sup> revealed in the meagreness of its outcome the difficulties caused by the development of new policies in Europe and Asia. Japan refused to accept any inferiority to the United Kingdom or the United States and did not sign the Treaty, while the Irish Free State and the Union of South Africa held aloof. The accord between the rest of the Empire, the United States, and France has been supplemented by the adoption in the main of the principles of the treaty in accords of July 17, 1937, between Britain and Germany and Britain and the U.S.S.R. It has also to be noted that on November 6, 1936, general acceptance was achieved of the rules affecting submarine warfare included in the Treaty of London, April 22, 1930.<sup>2</sup>

<sup>1</sup> No XLV

<sup>2</sup> No XXVIII, Art. 22, pp 193, 196

My thanks are due to Earl Baldwin of Bewdley, Mr C. R. Attlee, Mr. A. Eden, Mr. Neville Chamberlain, Viscount Runciman, Sir John Simon, and Sir Archibald Sinclair for their courtesy in consenting to the inclusion of their speeches. The passages reprinted from the *Parliamentary Debates* and Command Papers have been included with the consent of the Controller of H M. Stationery Office, and those from the *Monthly Summary* of the League of Nations with that of the Secretariat of the League of Nations, to these authorities, and to the Royal Institute of International Affairs for permitting the reprinting of several extracts from their invaluable publications, I desire to express sincere appreciation

A BERRIEDALE KEITH.

THE UNIVERSITY OF EDINBURGH,  
*October 9, 1937*

## THE FOURTEEN POINTS

*President Woodrow Wilson's Address, January 8, 1918*

ONCE more, as repeatedly before, the spokesmen of the Central Empires have indicated their desire to discuss the objects of the war and the possible bases of a general peace. Parleys have been in progress at Brest-Litovsk between Russian representatives and representatives of the Central Powers, to which the attention of all the belligerents has been invited for the purpose of ascertaining whether it may be possible to extend these parleys into a general conference with regard to terms of peace and settlement. The Russian representatives presented not only a perfectly definite statement of the principles upon which they would be willing to conclude peace, but also an equally definite programme of the concrete application of those principles. The representatives of the Central Powers on their part presented an outline of settlement which, if much less definite, seemed susceptible of liberal interpretation until their specific programme of practical terms was added.

That programme proposed no concessions at all either to the sovereignty of Russia or to the preferences of the populations with whose fortunes it dealt, but meant, in a word, that the Central Empires were to keep every foot of territory their armed forces had occupied—every province, every city, every point of vantage—as a permanent addition to their territories and their power.

It is a reasonable conjecture that the general principles of settlement which they at first suggested originated with the more liberal statesmen of Germany and Austria, the men who had begun to feel the force of their own peoples' thought and purpose, while the concrete terms of actual settlement came from the military leaders, who have no thought but to keep what they have got. The

negotiations have been broken off. The Russian representatives were sincere and in earnest. They cannot entertain such proposals of conquest and domination.

The whole incident is full of significance. It is also full of perplexity. With whom are the Russian representatives dealing? For whom are the representatives of the Central Empires speaking? Are they speaking for the majorities of their respective Parliaments or for the minority parties, that military and Imperialistic minority which has so far dominated their whole policy and controlled the affairs of Turkey and of the Balkan States which have felt obliged to become their associates in this war?

The Russian representatives have insisted very justly, very wisely, and in the true spirit of modern democracy, that the conferences they have been holding with Teutonic and Turkish statesmen should be held within open, not closed, doors, and all the world has been audience, as was desired. To whom have we been listening, then? To those who speak the spirit and intention of the resolutions of the German Reichstag of July 19th last, the spirit and intention of the Liberal leaders and parties of Germany, or to those who resist and defy that spirit and intention and insist upon conquest and subjugation? Or are we listening in fact to both, unreconciled and in open and hopeless contradiction? These are very serious and pregnant questions. Upon the answer to them depends the peace of the world.

But whatever the results of the parleys at Brest-Litovsk, whatever the confusions of counsel and of purpose in the utterances of the spokesmen of the Central Empires, they have again attempted to acquaint the world with their objects in the war, and have again challenged their adversaries to say what their objects are and what sort of settlement they would deem just and satisfactory.

There is no good reason why that challenge should not be responded to, and responded to with the utmost candour. We did not wait for it. Not once, but again

and again, we have laid our whole thought and purpose before the world, not in general terms only, but each time with sufficient definition to make it clear what sort of definitive terms of settlement must necessarily spring out of them. Within the last week Mr Lloyd George has spoken with admirable candour and in admirable spirit for the people and Government of Great Britain.

There is no confusion of counsel among the adversaries of the Central Empires, no uncertainty of principle, no vagueness of detail. The only secrecy of counsel, the only lack of fearless frankness, the only failure to make definite statement of the objects of the war, lies with Germany and her allies. The issues of life and death hang upon these definitions. No statesman who has the least conception of his responsibility ought for a moment to permit himself to continue this tragical and appalling outpouring of blood and treasure unless he is sure beyond peradventure that the objects of the vital sacrifice are part and parcel of the very life of society and that the people for whom he speaks think them right and imperative as he does.

There is, moreover, a voice calling for these definitions of principle and of purpose which is, it seems to me, more thrilling and more compelling than any of the many moving voices with which the troubled air of the world is filled. It is the voice of the Russian people. They are prostrate and all but helpless, it would seem, before the grim power of Germany, which has hitherto known no relenting and no pity. Their power apparently is shattered. And yet their soul is not subservient. They will not yield either in principle or in action. Their conception of what is right, of what is humane and honourable for them to accept, has been stated with a frankness, a largeness of view, a generosity of spirit, a universal human sympathy, which must challenge the admiration of every friend of mankind, and they have refused to compound their ideals or desert others that they themselves may be safe. They call to us to say what it is that we desire in what, if in anything, our purpose and our spirit differ.

from theirs, and I believe that the people of the United States would wish me to respond with utter simplicity and frankness

Whether their present leaders believe it or not, it is our heartfelt desire and hope that some way may be opened whereby we may be privileged to assist the people of Russia to attain their utmost hope of liberty and ordered peace

It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open, and that they shall involve and permit thenceforth no secret understandings of any kind. The day of conquest and aggrandizement is gone by, so is also the day of secret covenants entered into in the interest of particular Governments and likely at some unlooked for moment to upset the peace of the world

It is this happy fact, now clear to the view of every public man whose thoughts do not still linger in an age that is dead and gone, which makes it possible for every nation whose purposes are consistent with justice and the peace of the world to avow now or at any other time the objects it has in view

We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence

What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in, and particularly that it be made safe for every peace loving nation which, like our own, wishes to live its own free life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world, as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us

The programme of the world's peace, therefore, is



our programme, the only possible programme, as we see it, is this

*One* Open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

*Two* Absolute freedom of navigation upon the seas outside territorial waters alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants

*Three* The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance

*Four* Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety

*Five* A free, open minded and absolutely impartial adjustment of all colonial claims based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined

*Six* The evacuation of all Russian territory, and such a settlement of all questions affecting Russia as will secure the best and freest co-operation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy, and assure her of a sincere welcome into the society of free nations under institutions of her own choosing, and more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their goodwill, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathetic

## THE FOURTEEN POINTS

*Seven* Belgium, the whole world will agree, must be evacuated and restored without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of International Law is for ever impaired.

*Eight* All French territory should be freed, and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted in order that peace may once more be made secure in the interest of all.

*Nine* A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

*Ten* The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

*Eleven* Rumania, Serbia, and Montenegro should be evacuated, occupied territories restored, Serbia accorded free and secure access to the sea, and the relations of the several Balkan States to one another determined by friendly counsel along historically established lines of allegiance and nationality, and international guarantees of the political and economic independence and territorial integrity of the several Balkan States should be entered into.

*Twelve* The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolute unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

*Thirteen* An independent Polish State should be

erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant

*Fourteen* A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike

In regard to these essential rectifications of wrong and assertions of right we feel ourselves to be intimate partners of all the Governments and peoples associated together against the Imperialists. We cannot be separated in interest or divided in purpose. We stand together until the end. For such arrangements and covenants we are willing to fight and to continue to fight until they are achieved, but only because we wish the right to prevail and desire a just and stable peace, such as can be secured only by removing the chief provocations to war, which this programme does remove

We have no jealousy of German greatness and there is nothing in this programme that impairs it. We grudge her no achievement or distinction of learning or of pacific enterprise, such as have made her record very bright and very enviable. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair-dealing. We wish her only to accept a place of equality among the peoples of the world—the new world in which we now live—instead of a place of mastery. Neither do we presume to suggest to her any alteration or modification of her institutions

But it is necessary, we must frankly say, and necessary as a preliminary to any intelligent dealings with her on our part, that we should know whom her spokesmen speak for when they speak to us whether for the Reichstag

majority or for the military party and the man whose creed is Imperial domination

We have spoken now surely in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole programme I have outlined. It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak.

Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle, and to the vindication of this principle they are ready to devote their lives, their honour, and everything they possess. The moral climax of this the culminating and final war for human liberty has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.

## II

# THE TREATY OF VERSAILLES BETWEEN THE PRINCIPAL ALLIED AND ASSOCIATED POWERS AND GERMANY, JUNE 28, 1919

### PART I

#### *The Covenant of the League of Nations*

##### The High Contracting Parties

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,  
by the prescription of open, just and honourable  
relations between nations,

by the firm establishment of the understandings of  
international law as the actual rule of conduct among  
Governments, and

by the maintenance of justice and a scrupulous respect  
for all treaty obligations in the dealings of organized  
peoples with one another,

Agree to this Covenant of the League of Nations

#### Article 1

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self governing State, Dominion, or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees

of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments

Any Member of the League may, after two years' notice of its intention so to do withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal

### Article 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat

### Article 3

The Assembly shall consist of Representatives of the Members of the League

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world

At meetings of the Assembly each Member of the League shall have one vote and may have not more than three Representatives

### Article 4

The Council shall consist of Representatives of the Principal Allied and Associated Powers together with Representatives of four other Members of the League These four Members of the League shall be selected by the Assembly from time to time in its discretion Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain, and Greece shall be members of the Council

With the approval of the majority of the Assembly,

the Council may name additional Members of the League whose representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League

At meetings of the Council each Member of the League represented on the Council shall have one vote, and may have not more than one Representative

### Article 5

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America

### Article 6

The permanent Secretariat shall be established at the Seat of the League The Secretariat shall comprise a

Secretary-General and such secretaries and staff as may be required

The first Secretary General shall be the person named in the Annex, thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly

The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union

### Article 7

The Seat of the League is established at Geneva

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connexion with the League, including the Secretariat, shall be open equally to men and women

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable

### Article 8

The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations

The Council, taking account of the geographical situation and circumstances of each State, shall formulate



plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programmes and the condition of such of their industries as are adaptable to war like purposes

#### Article 9

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval, and air questions generally

#### Article 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled

#### Article 11

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby

declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

### Article 12

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

### Article 13

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of

arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto

### Article 14

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

### Article 15

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations

regarding the dispute and the terms of settlement thereof as the Council may deem appropriate

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such a request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council

and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

### Article 16

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval, or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League

The Members of the League agree, farther, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council con-

curred in by the Representatives of all the other Members of the League represented thereon

### Article 17

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of Membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

### Article 18

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

### Article 19

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which

have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

### Article 20

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof

In case any Member of the League shall, before becoming a Member of the League have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations

### Article 21

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace

### Article 22

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world there should be applied the principle that the well being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are

willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories such as South West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge



The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates

### Article 23

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations
- (b) undertake to secure just treatment of the native inhabitants of territories under their control,
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs,
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League In this connexion, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind,
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease

## Article 24

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureau or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

## Article 25

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.

## Article 26

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

*ANNEX**Original Members of the League of Nations Signatories of the Treaty of Peace*

United States of America.	Cuba	Panama.
Belgium.	Ecuador	Peru
Bolivia.	France	Poland
Brazil	Greece	Portugal
British Empire.	Guatemala	Rumania.
Canada	Haiti	Serb-Croat Slovene State
Australia	Hedjaz.	Siam
South Africa	Honduras	Czechoslovakia
New Zealand	Italy	Uruguay
India	Japan	
China	Liberia	
	Nicaragua	

*States invited to accede to the Covenant*

Argentine Republic.	Norway	Sweden
Chili	Paraguay	Switzerland
Colombia	Persia	Venezuela
Denmark	Salvador	
Netherlands	Spain	

*II First Secretary General of the League of Nations*

The Honourable Sir James ERIC DRUMMOND,  
K C M G , C B

## PART III

*Political Clauses for Europe*

## SECTION I

*Belgium*

## Article 31

GERMANY, recognizing that the Treaties of April 19, 1839, which established the status of Belgium before the war, no longer conform to the requirements of the situation, consents to the abrogation of the said treaties and undertakes immediately to recognize and to observe whatever

conventions may be entered into by the Principal Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said Treaties of 1839. If her formal adhesion should be required to such conventions or to any of their stipulations, Germany undertakes immediately to give it

### Article 32

Germany recognizes the full sovereignty of Belgium over the whole of the contested territory of Moresnet (called *Moresnet neutre*)

### Article 33

Germany renounces in favour of Belgium all rights and title over the territory of Prussian Moresnet situated on the west of the road from Liège to Aix la Chapelle, the road will belong to Belgium where it bounds this territory

### Article 34

Germany renounces in favour of Belgium all rights and title over the territory comprising the whole of the *Kreise* of Eupen and of Malmédy

During the six months after the coming into force of this Treaty, registers will be opened by the Belgian authorities at Eupen and Malmédy in which the inhabitants of the above territory will be entitled to record in writing a desire to see the whole or part of it remain under German sovereignty

The results of this public expression of opinion will be communicated by the Belgian Government to the League of Nations, and Belgium undertakes to accept the decision of the League

## SECTION II

### *Luxemburg*

### Article 40

With regard to the Grand Duchy of Luxemburg, Germany renounces the benefit of all the provisions

inserted in her favour in the Treaties of February 8, 1842, April 2, 1847, October 20-5, 1865, August 18, 1866, February 21 and May 11, 1867, May 10, 1871, June 11, 1872, and November 11, 1902, and in all Conventions consequent upon such Treaties

Germany recognizes that the Grand Duchy of Luxemburg ceased to form part of the German Zollverein as from January 1, 1919, renounces all rights to the exploitation of the railways, adheres to the termination of the régime of neutrality of the Grand Duchy, and accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy

### SECTION III

#### *Left Bank of the Rhine*

##### Article 42

Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the East of the Rhine

##### Article 43

In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military manoeuvres of any kind as well as the upkeep of all permanent works for mobilization, are in the same way forbidden

##### Article 44

In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world

## SECTION IV

*Saar Basin**Article 45*

As compensation for the destruction of the coal mines in the north of France and as part payment towards the total reparation due from Germany for the damage resulting from the war, Germany cedes to France in full and absolute possession, with exclusive rights of exploitation, unencumbered and free from all debts and charges of any kind, the coal mines situated in the Saar Basin as defined in Article 48

*Article 46*

In order to assure the rights and welfare of the population and to guarantee to France complete freedom in working the mines, Germany agrees to the provisions of Chapters I and II of the Annex hereto

*Article 47*

In order to make in due time permanent provision for the government of the Saar Basin in accordance with the wishes of the population, France and Germany agree to the provisions of Chapter III of the Annex hereto

*Article 49*

Germany renounces in favour of the League of Nations, in the capacity of trustee, the government of the territory defined above

At the end of fifteen years from the coming into force of the present Treaty the inhabitants of the said territory shall be called upon to indicate the sovereignty under which they desire to be placed

*Article 50*

The stipulations under which the cession of the mines in the Saar Basin shall be carried out, together with the measures intended to guarantee the rights and the well-being of the inhabitants and the government of the terri-

tory, as well as the conditions in accordance with which the plebiscite hereinbefore provided for is to be made, are laid down in the Annex hereto. This Annex shall be considered as an integral part of the present Treaty, and Germany declares her adherence to it.

#### SECTION V

##### *Alsace Lorraine*

##### Article 51

The territories which were ceded to Germany in accordance with the Preliminaries of Peace signed at Versailles on February 26, 1871, and the Treaty of Frankfurt of May 10, 1871, are restored to French sovereignty as from the date of the Armistice of November 11, 1918.

The provisions of the Treaties establishing the delimitation of the frontiers before 1871 shall be restored.

##### Article 52

The German Government shall hand over without delay to the French Government all archives, registers, plans, titles, and documents of every kind concerning the civil, military, financial, judicial, or other administrations of the territories restored to French sovereignty. If any of these documents, archives, registers, titles, or plans have been misplaced, they will be restored by the German Government on the demand of the French Government.

##### Article 53

Separate agreements shall be made between France and Germany dealing with the interests of the inhabitants of the territories referred to in Article 51, particularly as regards their civil rights, their business, and the exercise of their professions, it being understood that Germany undertakes as from the present date to recognize and accept the regulations laid down in the Annex hereto regarding the nationality of the inhabitants or natives of the said territories, not to claim at any time or in any

place whatsoever as German nationals those who shall have been declared on any ground to be French, to receive all others in her territory, and to conform, as regards the property of German nationals in the territories indicated in Article 51, with the provisions of Article 297 and the Annex to Section IV of Part X (Economic Clauses) of the present Treaty

Those German nationals who without acquiring French nationality shall receive permission from the French Government to reside in the said territories shall not be subjected to the provisions of the said Article

#### SECTION VI

##### *Austria*

#### Article 80

Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers, she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations

#### SECTION VII

##### *Czechoslovak State*

#### Article 81

Germany, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of the Czechoslovak State which will include the autonomous territory of the Ruthenians to the south of the Carpathians Germany hereby recognizes the frontiers of this State as determined by the Principal Allied and Associated Powers and the other interested States

#### Article 82

The old frontier as it existed on August 3, 1914 between Austria Hungary and the German Empire will constitute the frontier between Germany and the Czechoslovak State



of the Niemen, and then the northern frontier of East Prussia as laid down in Article 28 of Part II aforesaid

The provisions of this Article do not, however, apply to the territories of East Prussia and the Free City of Danzig, as defined in Article 28 of Part II (Boundaries of Germany) and in Article 100 of Section XI (Danzig) of this Part

The boundaries of Poland not laid down in the present Treaty will be subsequently determined by the Principal Allied and Associated Powers

A Commission consisting of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Germany and one by Poland, shall be constituted fifteen days after the coming into force of the present Treaty to delimit on the spot the frontier line between Poland and Germany

The decisions of the Commission will be taken by a majority of votes and shall be binding upon the parties concerned

#### Article 88

In the portion of Upper Silesia included within the boundaries described below, the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland

starting from the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometres east of Neustadt, the former frontier between Germany and Austria to its junction with the boundary between the *Kreise* of Leobschütz and Ratibor,

thence in a northerly direction to a point about 2 kilometres south-east of Katscher

the boundary between the *Arrée* of Leobschütz and Ratibor,

thence in a south-easterly direction to a point on the course of the Oder immediately south of the Ratibor-Oderberg railway

a line to be fixed on the ground passing south of Kranowitz,

thence the old boundary between Germany and Austria,  
then the old boundary between Germany and Russia  
to its junction with the administrative boundary  
between Posnania and Upper Silesia,  
thence this administrative boundary to its junction  
with the administrative boundary between Upper  
and Middle Silesia,  
thence westwards to the point where the administrative  
boundary turns in an acute angle to the south-east  
about 3 kilometres north west of Summenau  
the boundary between Upper and Middle Silesia,  
then in a westerly direction to a point to be fixed on  
the ground about 2 kilometres east of Lorzendorf  
a line to be fixed on the ground passing north of Klein  
Hennersdorf  
thence southwards to the point where the boundary  
between Upper and Middle Silesia cuts the Städtel-  
Karlsruhe road  
a line to be fixed on the ground passing west of  
Hennersdorf, Polkowitz, Noldau Steinersdorf and  
Dammer, and east of Strehlitz, Nassadel, Eckersdorf,  
Schwurz, and Städtel,  
thence the boundary between Upper and Middle  
Silesia to its junction with the eastern boundary of  
the *Kreis* of Falkenberg,  
then the eastern boundary of the *Kreis* of Falkenberg  
to the point of the salient which is 3 kilometres east  
of Puschine,  
thence to a northern point of the salient of the old  
province of Austrian Silesia situated about 8 kilo-  
metres east of Neustadt  
a line to be fixed on the ground passing east of  
Zülz.

The régime under which this plebiscite will be taken  
and given effect to is laid down in the Annex hereto

The Polish and German Governments hereby respec-  
tively bind themselves to conduct no prosecutions on  
any part of their territory and to take no exceptional  
proceedings for any political action performed in Upper

Silesia during the period of the régime laid down in the Annex hereto and up to the settlement of the final status of the country

Germany hereby renounces in favour of Poland all rights and title over the portion of Upper Silesia lying beyond the frontier line fixed by the Principal Allied and Associated Powers as the result of the plebiscite

## SECTION IX

### *East Prussia*

#### Article 94

In the area between the southern frontier of East Prussia, as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty, and the line described below, the inhabitants will be called upon to indicate by a vote the State to which they wish to belong

the western and northern boundary of *Regierungsbezirk* Allenstein to its junction with the boundary between the *Kreise* of Oletzko and Angerburg, thence, the northern boundary of the *Kreise* of Oletzko to its junction with the old frontier of East Prussia

#### Article 98

Germany and Poland undertake, within one year of the coming into force of this Treaty, to enter into Conventions of which the terms, in case of difference, shall be settled by the Council of the League of Nations, with the object of securing, on the one hand to Germany full and adequate railroad, telegraphic and telephonic facilities for communication between the rest of Germany and East Prussia over the intervening Polish territory, and on the other hand to Poland full and adequate railroad, telegraphic and telephonic facilities for communication between Poland and the Free City of Danzig over any German territory that may, on the right bank of the Vistula, intervene between Poland and the Free City of Danzig

## SECTION X

*Memel*

## Article 99

Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territories included between the Baltic, the north-eastern frontier of East Prussia as defined in Article 28 of Part II (Boundaries of Germany) of the present Treaty and the former frontier between Germany and Russia

Germany undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants

## SECTION XI

*Free City of Danzig*

## Article 102

The Principal Allied and Associated Powers undertake to establish the town of Danzig, together with the rest of the territory described in Article 100, as a Free City. It will be placed under the protection of the League of Nations.

## Article 103

A constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League of Nations. This constitution shall be placed under the guarantee of the League of Nations.

The High Commissioner will also be entrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City of Danzig in regard to this Treaty or any arrangements or agreements made thereunder.

The High Commissioner shall reside at Danzig.

## Article 104

The Principal Allied and Associated Powers undertake to negotiate a Treaty between the Polish Government and the Free City of Danzig, which shall come into force at the same time as the establishment of the said Free City, with the following objects

(1) To effect the inclusion of the Free City of Danzig within the Polish Customs frontiers, and to establish a free area in the port,

(2) To ensure to Poland without any restriction the free use and service of all waterways, docks, basins, wharves, and other works within the territory of the Free City necessary for Polish imports and exports,

(3) To ensure to Poland the control and administration of the Vistula and of the whole railway system within the Free City, except such street and other railways as serve primarily the needs of the Free City, and of postal, telegraphic and telephonic communication between Poland and the port of Danzig,

(4) To ensure to Poland the right to develop and improve the waterways, docks, basins, wharves, railways, and other works and means of communication mentioned in this Article, as well as to lease or purchase through appropriate processes such land and other property as may be necessary for these purposes,

(5) To provide against any discrimination within the Free City of Danzig to the detriment of citizens of Poland and other persons of Polish origin or speech,

(6) To provide that the Polish Government shall undertake the conduct of the foreign relations of the Free City of Danzig as well as the diplomatic protection of citizens of that city when abroad

## Article 105

On the coming into force of the present Treaty German nationals ordinarily resident in the territory described in Article 100 will *ipso facto* lose their German nationality, in order to become nationals of the Free City of Danzig

## SECTION XII

*Schleswig*

## Article 109

The frontier between Germany and Denmark shall be fixed in conformity with the wishes of the population.

For this purpose, the population inhabiting the territories of the former German Empire situated to the north of a line, from East to West (shown by a brown line on the map No 4, annexed to the present Treaty)

leaving the Baltic Sea about 13 kilometres east north-east of Flensburg,

running

south west so as to pass south-east of Sygum, Ringsberg, Munkbrarup, Adelby, Tastrup, Jarplund, Oversee, and north-west of Langballigholz, Langballig, Bönstrup, Rüllschau, Weseby, Kleinwolstrup, Gross-Solt,

thence westwards passing south of Frörup and north of Wanderup,

thence in a south westerly direction passing south-east of Oxlund, Stueglund and Ostenau and north-west of the villages on the Wanderup-Kollund road,

thence in a north westerly direction passing south west of Löwenstedt, Joldelund, Goldelund, and north-east of Kolkerbeide and Högel to the bend of the Soholmer Au, about 1 kilometre east of Soholm, where it meets the southern boundary of the *Kreis* of Tondern,

following this boundary to the North Sea, passing south of the islands of Fohr and Amrum and north of the islands of Oland and Langeness, shall be called upon to pronounce by a vote which will be taken under the following conditions

## Article 110

Pending a delimitation on the spot, a frontier line will be fixed by the Principal Allied and Associated Powers according to a line based on the result of the voting and

proposed by the International Commission, and taking into account the particular geographical and economic conditions of the localities in question

From that time the Danish Government may effect the occupation of these territories with the Danish civil and military authorities, and the German Government may reinstate up to the said frontier line the German civil and military authorities whom it has evacuated

Germany hereby renounces definitely in favour of the Principal Allied and Associated Powers all rights of sovereignty over the territories situated to the north of the frontier line fixed in accordance with the above provisions. The Principal Allied and Associated Powers will hand over the said territories to Denmark

#### SECTION XIII

##### *Heligoland*

##### Article 115

The fortifications, military establishments, and harbours of the Islands of Heligoland and Dune shall be destroyed under the supervision of the Principal Allied Governments by German labour and at the expense of Germany within a period to be determined by the said Governments

#### SECTION XIV

##### *Russia and Russian States*

##### Article 116

Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914

In accordance with the provisions of Article 259 of Part IX (Financial Clauses) and Article 292 of Part X (Economic Clauses) Germany accepts definitely the abrogation of the Brest-Litovsk Treaties and of all other treaties, conventions, and agreements entered into by her with the Maximalist Government in Russia

The Allied and Associated Powers formally reserve the rights of Russia to obtain from Germany restitution and reparation based on the principles of the present Treaty

#### Article 117

Germany undertakes to recognize the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of any such States as determined therein

### PART IV

#### *German Rights and Interests outside Germany*

#### Article 118

IN territory outside her European frontiers as fixed by the present Treaty, Germany renounces all rights, titles, and privileges whatever in or over territory which belonged to her or to her allies, and all rights, titles and privileges whatever their origin which she held as against the Allied and Associated Powers

Germany hereby undertakes to recognize and to conform to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect

In particular Germany declares her acceptance of the following Articles relating to certain special subjects

#### SECTION I

#### *German Colonies*

#### Article 119

Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her overseas possessions



## Article 120

All movable and immovable property in such territories belong to the German Empire or to any German State shall pass to the Government exercising authority over such territories, on the terms laid down in Article 257 of Part IX (Financial Clauses) of the present Treaty. The decision of the local courts in any dispute as to the nature of such property shall be final.

## Article 122

The Government exercising authority over such territories may make such provisions as it thinks fit with reference to the repatriation from them of German nationals and to the conditions upon which German subjects of European origin shall, or shall not, be allowed to reside, hold property, trade, or exercise a profession in them.

## Article 126

Germany undertakes to accept and observe the agreements made or to be made by the Allied and Associated Powers or some of them with any other Power with regard to the trade in arms and spirits, and to the matters dealt with in the General Act of Berlin of February 26, 1885, and the General Act of Brussels of July 2, 1890, and the Conventions completing or modifying the same.

## Article 127

The native inhabitants of the former German overseas possessions shall be entitled to the diplomatic protection of the Governments exercising authority over those territories.

## SECTION II

*China*

## Article 128

Germany renounces in favour of China all benefits and privileges resulting from the provisions of the final

Protocol signed at Peking on September 7, 1901, and from all annexes, notes, and documents supplementary thereto. She likewise renounces in favour of China any claim to indemnities accruing thereunder subsequent to March 14, 1917.

### Article 132

Germany agrees to the abrogation of the leases from the Chinese Government under which the German Concessions at Hankow and Tientsin are now held.

China, restored to the full exercise of her sovereign rights in the above areas, declares her intention of opening them to international residence and trade. She further declares that the abrogation of the leases under which these concessions are now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in these concessions.

## SECTION III

### *Siam*

### Article 135

Germany recognizes that all treaties, conventions, and agreements between her and Siam, and all rights, title, and privileges derived therefrom, including all rights of extraterritorial jurisdiction, terminated as from July 22, 1917.

## SECTION IV

### *Liberia*

### Article 138

Germany renounces all rights and privileges arising from the arrangements of 1911 and 1912 regarding Liberia, and particularly the right to nominate a German Receiver of Customs in Liberia.

She further renounces all claim to participate in any measures whatsoever which may be adopted for the rehabilitation of Liberia.

## Article 139

Germany recognizes that all treaties and arrangements between her and Liberia terminated as from August 4, 1917.

## SECTION V

*Morocco*

## Article 141

Germany renounces all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements, and contracts concluded by her with the Sherifian Empire are regarded as abrogated as from August 3, 1914.

In no case can Germany take advantage of these instruments and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

## Article 142

Germany having recognized the French Protectorate in Morocco, hereby accepts all the consequences of its establishment, and she renounces the régime of the capitulations therein.

This renunciation shall take effect as from August 3, 1914.

## SECTION VI

*Egypt*

## Article 147

Germany declares that she recognizes the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the Capitulations in Egypt.

This renunciation shall take effect as from August 4, 1914.

## Article 148

All treaties, agreements, arrangements, and contracts concluded by Germany with Egypt are regarded as abrogated as from August 4, 1914

In no case can Germany avail herself of these instruments and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other Powers

## Article 151

Germany consents to the abrogation of the decree issued by His Highness the Khedive on November 28, 1904, relating to the Commission of the Egyptian Public Debt, or to such changes as the Egyptian Government may think it desirable to make therein

## Article 152

Germany consents, in so far as she is concerned, to the transfer to His Britannic Majesty's Government of the powers conferred on His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal

She renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt and consents, in so far as she is concerned, to the transfer to the Egyptian Authorities of the powers of that Board

## SECTION VII

*Turkey and Bulgaria*

## Article 155

Germany undertakes to recognize and accept all arrangements which the Allied and Associated Powers may make with Turkey and Bulgaria with reference to any rights, interests, and privileges whatever which might be claimed by Germany or her nationals in Turkey and Bulgaria and which are not dealt with in the provisions of the present Treaty

## SECTION VIII

*Shantung*

## Article 156

Germany renounces, in favour of Japan, all her rights, title, and privileges—particularly those concerning the territory of Kiaochow, railways, mines, and submarine cables—which she acquired in virtue of the Treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtao-Tsinanfu Railway, including its branch lines, together with its subsidiary property of all kinds, stations, shops, fixed and rolling stock, mines, plant, and material for the exploitation of the mines are and remain acquired by Japan, together with all rights and privileges attaching thereto.

The German State submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo, with all the rights, privileges, and properties attaching thereto, are similarly acquired by Japan, free and clear of all charges and encumbrances.

## PART V

*Military, Naval, and Air Clauses*

IN order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval, and air clauses which follow

## SECTION I

*Military Clauses*

## CHAPTER I

*Effectives and Cadres of the German Army*

## Article 159

The German military forces shall be demobilized and reduced as prescribed hereinafter

## Article 160

1. By a date which must not be later than March 31, 1920, the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry

After that date the total number of effectives in the Army of the States constituting Germany must not exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers

The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand

2 Divisions and Army Corps headquarters staffs shall be organized in accordance with Table No. I annexed to this Section

The number and strengths of the units of infantry, artillery, engineers, technical services, and troops laid down in the aforesaid Table constitute maxima which must not be exceeded

The following units may each have their own depot

An Infantry regiment,

A Cavalry regiment,

A regiment of Field Artillery,

A battalion of Pioneers

3 The divisions must not be grouped under more than two army corps headquarters staffs

The maintenance or formation of forces differently grouped or of other organizations for the command of troops or for preparation for war is forbidden

The Great German General Staff and all similar organizations shall be dissolved and may not be reconstituted in any form

The officers, or persons in the position of officers, in the Ministries of War in the different States in Germany and in the Administrations attached to them, must not exceed three hundred in number and are included in the

maximum strength of four thousand laid down in the third sub-paragraph of paragraph (1) of this Article

## CHAPTER II

### *Armament, Munitions, and Material*

#### Article 164

Up till the time at which Germany is admitted as a member of the League of Nations the German Army must not possess an armament greater than the amounts fixed in Table No II annexed to this Section, with the exception of an optional increase not exceeding one-twenty fifth part for small arms and one-fiftieth part for guns, which shall be exclusively used to provide for such eventual replacements as may be necessary

Germany agrees that after she has become a member of the League of Nations the armaments fixed in the said Table shall remain in force until they are modified by the Council of the League Furthermore she hereby agrees strictly to observe the decisions of the Council of the League on this subject

#### Article 170

Importation into Germany of arms, munitions, and war material of every kind shall be strictly prohibited

The same applies to the manufacture for, and export to, foreign countries of arms, munitions, and war material of every kind

#### Article 171

The use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany

The same applies to materials specially intended for the manufacture, storage, and use of the said products or devices.

The manufacture and the importation into Germany of armoured cars, tanks and all similar constructions suitable for use in war are also prohibited.

## CHAPTER III

*Recruiting and Military Training*

## Article 173

Universal compulsory military service shall be abolished in Germany

The German Army may only be constituted and recruited by means of voluntary enlistment

## Article 174

The period of enlistment for non-commissioned officers and privates must be twelve consecutive years

The number of men discharged for any reason before the expiration of their term of enlistment must not exceed in any year five per cent of the total effectives fixed by the second sub-paragraph of paragraph (1) of Article 160 of the present Treaty

## Article 177

Educational establishments, the universities, societies of discharged soldiers, shooting or touring clubs and, generally speaking, associations of every description, whatever be the age of their members, must not occupy themselves with any military matters

In particular they will be forbidden to instruct or exercise their members, or to allow them to be instructed or exercised, in the profession or use of arms

These societies, associations, educational establishments, and universities must have no connection with the Ministries of War or any other military authority

## Article 178

All measures of mobilization or appertaining to mobilization are forbidden

In no case must formations, administrative services or General Staffs include supplementary cadres



## CHAPTER IV

*Fortifications*

## Article 180

All fortified works, fortresses, and field works situated in German territory to the west of a line drawn fifty kilometres to the east of the Rhine shall be disarmed and dismantled.

Within a period of two months from the coming into force of the present Treaty such of the above fortified works, fortresses and field works as are situated in territory not occupied by Allied and Associated troops shall be disarmed, and within a further period of four months they shall be dismantled. Those which are situated in territory occupied by Allied and Associated troops shall be disarmed and dismantled within such periods as may be fixed by the Allied High Command.

The construction of any new fortification, whatever its nature and importance is forbidden in the zone referred to in the first paragraph above.

The system of fortified works of the southern and eastern frontiers of Germany shall be maintained in its existing state.

## SECTION II

*Naval Clauses*

## Article 181

After the expiration of a period of two months from the coming into force of the present Treaty the German naval forces in commission must not exceed

6 battleships of the *Deutschland* or *Lothringen* type,

6 light cruisers,

12 destroyers,

12 torpedo boats,

or an equal number of ships constructed to replace them as provided in Article 190.

No submarines are to be included.

All other warships, except where there is provision to

the contrary in the present Treaty, must be placed in reserve or devoted to commercial purposes.

### Article 183

After the expiration of a period of two months from the coming into force of the present Treaty the total personnel of the German Navy, including the manning of the fleet, coast defences, signal stations, administration and other land services, must not exceed fifteen thousand, including officers and men of all grades and corps

The total strength of officers and warrant officers must not exceed fifteen hundred

Within two months from the coming into force of the present Treaty the personnel in excess of the above strength shall be demobilized

No naval or military corps or reserve force in connexion with the Navy may be organized in Germany without being included in the above strength

### Article 190

Germany is forbidden to construct or acquire any warships other than those intended to replace the units in commission provided for in Article 181 of the present Treaty

The warships intended for replacement purposes as above shall not exceed the following displacement

Armoured ships	10,000 tons,
Light cruisers	6,000 tons,
Destroyers	800 tons,
Torpedo boats	200 tons

Except where a ship has been lost, units of the different classes shall only be replaced at the end of a period of twenty years in the case of battleships and cruisers, and fifteen years in the case of destroyers and torpedo boats, counting from the launching of the ship

### Article 191

The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Germany

## Article 194

The personnel of the German Navy shall be recruited entirely by voluntary engagements entered into for a *minimum* period of twenty five consecutive years for officers and warrant officers, twelve consecutive years for petty officers and men

The number engaged to replace those discharged for any reason before the expiration of their term of service must not exceed five per cent per annum of the totals laid down in this Section (Article 183)

The personnel discharged from the Navy must not receive any kind of naval or military training or undertake any further service in the Navy or Army

Officers belonging to the German Navy and not demobilized must engage to serve till the age of forty five unless discharged for sufficient reasons.

No officer or man of the German mercantile marine shall receive any training in the Navy

## Article 195

In order to ensure free passage into the Baltic to all nations Germany shall not erect any fortifications in the area comprised between latitudes 55° 27' N and 54° 00' N and longitudes 9° 00' E and 16° 00' E. of the meridian of Greenwich, nor instal any guns commanding the maritime routes between the North Sea and the Baltic. The fortifications now existing in this area shall be demolished and the guns removed under the supervision of the Allied Governments and in periods to be fixed by them.

The German Government shall place at the disposal of the Governments of the Principal Allied and Associated Powers all hydrographical information now in its possession concerning the channels and adjoining waters between the Baltic and the North Sea

## SECTION III

*Air Clauses*

## Article 198

The armed forces of Germany must not include any military or naval air forces

the solemn obligations of international undertakings and the validity of international morality. It will be its duty to fix the punishment which it considers should be imposed.

The Allied and Associated Powers will address a request to the Government of the Netherlands for the surrender to them of the ex Emperor in order that he may be put on trial.

## PART VIII

### *Reparation*

#### SECTION I

#### *General Provisions*

##### Article 231

THE Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

##### Article 232

The Allied and Associated Governments recognize that the resources of Germany are not adequate, after taking into account permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for all such loss and damage.

The Allied and Associated Governments, however, require, and Germany undertakes, that she will make compensation for all damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied or Associated Power against Germany by such aggression by land, by sea and from the air, and in general all damage as defined in Annex I hereto.

In accordance with Germany's pledges, already given

as to complete restoration for Belgium, Germany undertakes, in addition to the compensation for damage elsewhere in this Part provided for, as a consequence of the violation of the Treaty of 1839, to make reimbursement of all sums which Belgium has borrowed from the Allied and Associated Governments up to November 11, 1918, together with interest at the rate of five per cent (5%) per annum on such sums. This amount shall be determined by the Reparation Commission, and the German Government undertakes thereupon forthwith to make a special issue of bearer bonds to an equivalent amount payable in marks gold, on May 1, 1926, or, at the option of the German Government, on May 1 in any year up to 1926. Subject to the foregoing, the form of such bonds shall be determined by the Reparation Commission. Such bonds shall be handed over to the Reparation Commission, which has the authority to take and acknowledge receipt thereof on behalf of Belgium.

#### Article 233

The amount of the above damage for which compensation is to be made by Germany shall be determined by an Inter-Allied Commission, to be called the *Reparation Commission* and constituted in the form and with the powers set forth hereunder and in Annexes II to VII inclusive hereto.

This Commission shall consider the claims and give to the German Government a just opportunity to be heard.

The findings of the Commission as to the amount of damage defined as above shall be concluded and notified to the German Government on or before May 1, 1921, as representing the extent of that Government's obligations.

The Commission shall concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging the entire obligation within a period of thirty years from May 1, 1921. If, however, within the period mentioned, Germany fails to discharge her obligations, any balance remaining unpaid may, within the

discretion of the Commission, be postponed for settlement in subsequent years, or may be handled otherwise in such manner as the Allied and Associated Governments, acting in accordance with the procedure laid down in this Part of the present Treaty, shall determine

### Article 234

The Reparation Commission shall after May 1, 1921, from time to time, consider the resources and capacity of Germany, and, after giving her representatives a just opportunity to be heard, shall have discretion to extend the date, and to modify the form of payments, such as are to be provided for in accordance with Article 233, but not to cancel any part, except with the specific authority of the several Governments represented upon the Commission

### ANNEX I

Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories

(1) Damage to injured persons and to surviving dependents by personal injury or to death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising

(2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea or of being forced to labour, wherever arising, and to the surviving dependents of such victims

(3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour as well as to the surviving dependents of such victims

(4) Damage caused by any kind of maltreatment of prisoners of war

(5) As damage caused to the peoples of the Allied and Associated Powers, all pensions and compensation in the

nature of pensions to naval and military victims of war (including members of the air force), whether mutilated, wounded, sick or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalized cost of such pensions and compensation at the date of the coming into force of the present Treaty, on the basis of the scales in force in France at such date

(6) The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war and to their families and dependents

(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilized persons or persons serving with the forces the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year

(8) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration

(9) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war

(10) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

## PART XIII

### *Labour*

#### SECTION I

#### *Organization of Labour*

##### CHAPTER I

#### *Organization*

#### *Article 387*

A PERMANENT organization is hereby established for the promotion of the objects set forth in the Preamble

The original Members of the League of Nations shall be the original Members of this organization, and hereafter membership of the League of Nations shall carry with it membership of the said organization

### Article 388

The permanent organization shall consist of

- (1) a General Conference of Representatives of the Members and,
- (2) an International Labour Office controlled by the Governing Body described in Article 393

### Article 389

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy.



and the adviser, while so acting, shall be allowed to speak and vote

The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article

#### Article 390

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non Government Delegate shall be allowed to sit and speak at the Conference, but not to vote

If in accordance with Article 389 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated

#### Article 391

The meetings of the Conference shall be held at the seat of the League of Nations or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present

#### Article 392

The International Labour Office shall be established at the seat of the League of Nations as part of the organization of the League

#### Article 393

The International Labour Office shall be under the control of a Governing Body consisting of twenty four

persons, appointed in accordance with the following provisions

The Governing Body of the International Labour Office shall be constituted as follows

*Twelve persons representing the Governments,*

*Six persons elected by the Delegates to the Conference representing the employers,*

*Six persons elected by the Delegates to the Conference representing the workers*

Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above

Any questions as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body

#### Article 394

There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him

The Director or his deputy shall attend all meetings of the Governing Body.

## CHAPTER II

*Procedure*

## Article 405

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals shall take the form (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference

In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities

within whose competence the matter lies, for the enactment of legislation or other action

In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member

In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case

The above Article shall be interpreted in accordance with the following principle

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned

## SECTION II

### *General Principles*

#### Article 427

The High Contracting Parties, recognizing that the well being, physical, moral, and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognize that differences of climate, habits, and

customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance.

*First*—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

*Second*—The right of association for all lawful purposes by the employed as well as by the employers.

*Third*—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

*Fourth*—The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.

*Fifth*—The adoption of a weekly rest of at least twenty four hours, which should include Sunday wherever practicable.

*Sixth*—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure the proper physical development.

*Seventh*—The principle that men and women should receive equal remuneration for work of equal value.

*Eighth*—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

*Ninth*—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations, and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection they will confer lasting benefits upon the wage-earners of the world

## PART XIV

### *Guarantees*

#### SECTION I

#### *Western Europe*

#### Article 423

As a guarantee for the execution of the present Treaty by Germany, the German territory situated to the west of the Rhine together with the bridgeheads, will be occupied by Allied and Associated troops for a period of fifteen years from the coming into force of the present Treaty

#### Article 429

If the conditions of the present Treaty are faithfully carried out by Germany, the occupation referred to in Article 423 will be successively restricted as follows

(i) At the expiration of five years there will be evacuated the bridgehead of Cologne and the territories north of a line running along the Ruhr then along the railway Jülich, Düren, Luskirchen Rheinbach, thence along the road Rheinbach to Sinzig and reaching the Rhine at the confluence with the Ahr the roads railways, and places mentioned above being excluded from the area evacuated

(ii) At the expiration of ten years there will be evacuated the bridgehead of Coblenz and the territories north of a line to be drawn from the intersection between the frontiers of Belgium, Germany, and Holland, running about 4 kilometres south of Aix-la-Chapelle, then to and following the crest of Forst Gemünd, then east of

the railway of the Urft Valley, then along Blankenheim, Valdorf, Dreis, Ulmen to and following the Moselle from Bremm to Nehren, then passing by Kappel and Simmern, then following the ridge of the heights between Simmern and the Rhine and reaching this river at Bacharach, all the places, valleys, roads, and railways mentioned above being excluded from the area evacuated

(iii) At the expiration of fifteen years there will be evacuated the bridgehead of Mainz, the bridgehead of Kehl and the remainder of the German territory under occupation

If at that date the guarantees against unprovoked aggression by Germany are not considered sufficient by the Allied and Associated Governments, the evacuation of the occupying troops may be delayed to the extent regarded as necessary for the purpose of obtaining the required guarantees

#### Article 430

In case either during the occupation or after the expiration of the fifteen years referred to above the Reparation Commission finds that Germany refuses to observe the whole or part of her obligations under the present Treaty with regard to reparation, the whole or part of the areas specified in Article 429 will be re-occupied immediately by the Allied and Associated forces.

#### Article 431

If before the expiration of the period of fifteen years Germany complies with all the undertakings resulting from the present Treaty, the occupying forces will be withdrawn immediately

### III

## THE OPTIONAL CLAUSE OF THE STATUTE OF THE PERMANENT COURT OF INTER- NATIONAL JUSTICE, DECEMBER 16, 1920

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force

The Members of the League of Nations and the States mentioned in the Annex of the Covenant may, either when signing or ratifying the Protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the cases of legal disputes concerning

- (a) The interpretation of a treaty,
- (b) Any question of international law,
- (c) The existence of any fact which, if established, would constitute a breach of an international obligation,
- (d) The nature or extent of the reparation to be made for the breach of an international obligation

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court



## THE FORMATION OF THE LITTLE ENTENTE

*Convention of Alliance between the Kingdom of the Serbs, Croats, and Slovenes and the Czechoslovak Republic, Belgrade, August 14, 1920*

FIRMLY resolved to maintain the Peace obtained by so many sacrifices, and provided for by the Covenant of the League of Nations, as well as the situation created by the Treaty concluded at Trianon on June 4, 1920, between the Allied and Associated Powers on the one hand, and Hungary on the other, the President of the Czechoslovak Republic and His Majesty the King of the Serbs, Croats, and Slovenes have agreed to conclude a defensive Convention [and the signatories] have agreed as follows

### Article 1

In case of an unprovoked attack on the part of Hungary against one of the High Contracting Parties, the other Party agrees to assist in the defence of the Party attacked, in the manner laid down by the arrangement provided for in Article 2 of the present Convention

### Article 2

The competent Technical Authorities of the Czechoslovak Republic and the Kingdom of the Serbs, Croats, and Slovenes shall decide, by mutual agreement, upon the provisions necessary for the execution of the present Convention

### Article 3

Neither of the High Contracting Parties shall conclude an alliance with a third Power without preliminary notice to the other

### Article 4

The present Convention shall be valid for two years from the date of the exchange of ratifications On the

expiration of this period, each of the Contracting Parties shall have the option of denouncing the present Convention. It shall, however, remain in force for six months after the date of denunciation.

*Convention of Alliance between the Kingdom of Rumania and the Czechoslovak Republic, Bucarest, April 23, 1921*

FIRMLY resolved to maintain the peace obtained by so many sacrifices and provided for by the Covenant of the League of Nations, as well as the situation created by the Treaty concluded at Trianon on June 4, 1920, between the Allied and Associated Powers on the one hand, and Hungary on the other,

the President of the Czechoslovak Republic and His Majesty the King of Rumania have agreed to conclude a defensive Convention (and the signatories) have agreed as follows

#### Article 1

In case of an unprovoked attack on the part of Hungary against one of the High Contracting Parties, the other party agrees to assist in the defence of the party attacked in the manner laid down by the arrangement provided for in Article 2 on the present Convention.

#### Article 2

The competent Technical Authorities of the Czechoslovak Republic and Rumania shall decide by mutual agreement and in a Military Convention to be concluded, upon the provisions necessary for the execution of the present Convention.

#### Article 3

Neither of the High Contracting Parties shall conclude an alliance with a third Power without preliminary notice to the other.

#### Article 4

For the purpose of co-ordinating their efforts to main-

tain peace, the two Governments undertake to consult together on questions of foreign policy concerning their relations with Hungary.

### Article 5

The present Convention shall be valid for two years from the date of the exchange of ratifications. On the expiration of this period, each of the Contracting Parties shall have the option of denouncing the present Convention. It shall, however, remain in force for six months after the date of denunciation.

### *Convention of Alliance between the Kingdom of the Serbs, Croats, and Slovenes and the Kingdom of Rumania, Belgrade, June 7, 1921*

FIRMLY resolved to maintain the peace obtained by so many sacrifices, and the situation created by the Treaty concluded at Trianon on June 4, 1920, between the Allied and Associated Powers on the one hand, and Hungary on the other, as well as the Treaty concluded at Neuilly on November 27, 1919, between the same Powers and Bulgaria,

His Majesty the King of the Serbs, Croats, and Slovenes and His Majesty the King of Rumania have agreed to conclude a defensive Convention [and the signatories] have concluded the following Articles

### Article 1

In case of an unprovoked attack on the part of Hungary or of Bulgaria, or of these two Powers, against one of the two High Contracting Parties, with the object of destroying the situation created by the Treaty of Trianon or the Treaty of Neuilly, the other Party agrees to assist in the defence of the Party attacked, in the manner laid down by Article 2 of this Convention.

### Article 2

The Technical Authorities of the Kingdom of the Serbs, Croats, and Slovenes and of the Kingdom of Rumania

shall decide by mutual agreement, in a Military Convention to be concluded as soon as possible, upon the provisions necessary for the execution of the present Convention

### Article 3

Neither of the High Contracting Parties shall conclude an alliance with a third Power without preliminary notice to the other

### Article 4

With the object of associating their efforts to maintain peace, the two Governments bind themselves to consult together on questions of foreign policy concerning their relations with Hungary and Bulgaria

### Article 5

This Convention shall be valid for two years from the exchange of ratifications. On the expiration of this period either Contracting Party shall have the option of denouncing the present Convention, which shall nevertheless remain in force for six months after the date of denunciation

## POLITICAL AGREEMENT BETWEEN FRANCE AND POLAND, PARIS, FEBRUARY 19, 1921

THE Polish Government and the French Government, both desirous of safeguarding, by the maintenance of the Treaties which both have signed or which may in future be recognized by both Parties, the peace of Europe, the security of their territories and their common political and economic interests, have agreed as follows

(1) In order to co-ordinate their endeavours towards peace, the two Governments undertake to consult each other on all questions of foreign policy which concern both States, so far as those questions affect the settlement of international relations in the spirit of the Treaties and in accordance with the Covenant of the League of Nations

(2) In view of the fact that economic restoration is the essential preliminary condition of the re-establishment of international order and peace in Europe, the two Governments shall come to an understanding in this regard, with a view to concerted action and mutual support

They will endeavour to develop their economic relations, and for this purpose will conclude special agreements and a Commercial Treaty

(3) If, notwithstanding the sincerely peaceful views and intentions of the two Contracting States, either or both of them should be attacked without giving provocation, the two Governments shall take concerted measures for the defence of their territory and the protection of their legitimate interests, within the limits specified in the preamble

(4) The two Governments undertake to consult each other before concluding new agreements which will affect their policy in Central and Eastern Europe

(5) The present Agreement shall not come into force until the commercial agreements now in course of negotiation have been signed

## VI

### RESOLUTION REGARDING THE ECONOMIC WEAPON ADOPTED BY THE ASSEMBLY OF THE LEAGUE OF NATIONS, OCTOBER 4, 1921

1 The resolutions and the proposals for amendments to Article 16 which have been adopted by the Assembly shall, so long as the amendments have not been put in force in the form required by the Covenant, constitute rules for guidance which the Assembly recommends, as a provisional measure, to the Council and to the Members of the League in connexion with the application of Article 16

2 Subject to the special provisions of Article 17, the economic measures referred to in Article 16 shall be applicable only in the specific case referred to in this article

3 The unilateral action of the defaulting state cannot create a state of war, it merely entitles the other Members of the League to resort to acts of war or to declare themselves in a state of war with the covenant-breaking State, but it is in accordance with the spirit of the Covenant that the League of Nations should attempt, at least at the outset, to avoid war, and to restore peace by economic pressure

4 It is the duty of each Member of the League to decide for himself whether a breach of the Covenant has been committed. The fulfilment of their duties under Article 16 is required from Members of the League by the express terms of the Covenant, and they cannot neglect them without breach of their treaty obligations

5 All cases of breach of Covenant under Article 16 shall be referred to the Council as a matter of urgency at the request of any Member of the League. Further, if a breach of Covenant be committed, or if there arise a danger of such breach being committed, the Secretary-

General shall at once give notice thereof to all the Members of the Council. Upon receipt of such a request by a Member of the League or of such notice by the Secretary-General, the Council will meet as soon as possible. The Council shall summon representatives of the parties to the conflict and of all states which are neighbours of the defaulting state, or which normally maintain close economic relations with it, or whose co-operation would be especially valuable for the application of Article 16.

6 If the Council is of opinion that a state has been guilty of a breach of Covenant, the minutes of the meeting at which that opinion is arrived at shall be immediately sent to all Members of the League, accompanied by a statement of reasons and by an invitation to take action accordingly. The fullest publicity shall be given to this decision.

7 For the purpose of assisting it to enforce Article 16, the Council may, if it thinks fit, be assisted by a *technical* committee. This committee, which will remain in permanent session as soon as the action decided on is taken, may include, if desirable, representatives of the states specially affected.

8 The Council shall recommend the date on which the enforcement of economic pressure under Article 16 is to be begun, and shall give notice of that date to all the Members of the League.

9 All states must be treated alike as regards the application of the measures of economic pressure, with the following reservations:

- (a) It may be necessary to recommend the execution of special measures by certain states.
- (b) If it is thought desirable to postpone, wholly or partially, in the case of certain states, the effective application of the economic sanctions laid down in Article 16, such postponement shall not be permitted except in so far as it is desirable for the success of the common plan of action, or reduces to a minimum the losses and embarrassments which

may be entailed in the case of certain Members of the League by the application of the sanctions

10 It is not possible to decide beforehand, and in detail, the various measures of an economic, commercial and financial nature to be taken in each case where economic pressure is to be applied

When the case arises, the Council shall recommend to the Members of the League a plan for joint action

11 The interruption of diplomatic relations may, in the first place be limited to the withdrawal of the heads of missions

12 Consular relations may possibly be maintained

13 For the purposes of the severance of relations between persons belonging to the covenant breaking state and persons belonging to other states Members of the League the test shall be residence and not nationality

14 In cases of prolonged application of economic pressure, measures of increasing stringency may be taken The cutting-off of the food supplies of the civil population of the defaulting state shall be regarded as an extremely drastic measure which shall only be applied if the other measures available are clearly inadequate

15 Correspondence and all other methods of communication shall be subjected to special regulations

16 Humanitarian relations shall be continued

17 Efforts should be made to arrive at arrangements which would ensure the co-operation of states non members of the League in the measures to be taken

18 In special circumstances and in support of economic measures to be taken it may become advisable (a) to establish an effective blockade of the seaboard of the covenant breaking state (b) to entrust to some Members of the League the execution of the blockade operations

19 The Council shall urge upon all the states Members of the League that their Governments should take the necessary preparatory measures, above all of a legislative character to enable them to enforce at short notice the necessary measures of economic pressure.



## VII

### THE WASHINGTON CONFERENCE ON LIMITATION OF ARMAMENTS, 1921-2

*1 Treaty between the British Empire, France, Japan, and the United States of America relating to their Insular Possessions and Insular Dominions in the Pacific Ocean, December 13, 1921*

*[Ratifications exchanged at Washington, August 17, 1923]*

The United States of America, the British Empire, France, and Japan,

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean,

Have determined to conclude a Treaty to this effect and have appointed as their Plenipotentiaries

The President of the United States of America <sup>1</sup>,

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India The Right Honourable Arthur James Balfour, O M, M P, Lord President of His Privy Council, and

for the Dominion of Canada The Right Honourable Sir Robert Laird Borden, G C M G, K C,

for the Commonwealth of Australia The Honourable George Foster Pearce, Minister of Defence,

for the Dominion of New Zealand Sir John William Salmond K C, Judge of the Supreme Court of New Zealand,

for the Union of South Africa The Right Honourable Arthur James Balfour, O M, M P,

for India The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State,

<sup>1</sup> Names of plenipotentiaries omitted.

The President of the French Republic

His Majesty the Emperor of Japan

Who, having communicated their full powers, found in good and due form, have agreed as follows

## I

The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them they shall invite the other High Contracting Parties to a joint Conference to which the whole subject will be referred for consideration and adjustment.

## II

If the said rights are threatened by the aggressive action of any other Power the High Contracting Parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

## III

This Treaty shall remain in force for ten years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the High Contracting Parties to terminate it upon twelve months' notice.

## IV

This Treaty shall be ratified as soon as possible in accordance with the constitutional methods of the High Contracting Parties and shall take effect on the deposit of ratifications, which shall take place at Washington,

and thereupon the agreement between Great Britain and Japan, which was concluded at London on the 13th July, 1911, shall terminate. The Government of the United States will transmit to all the Signatory Powers a certified copy of the *proces verbal* of the deposit of ratifications.

The present Treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the Signatory Powers.

*Declaration accompanying the Treaty of December 13, 1921, between the British Empire, France, Japan, and the United States of America, relating to their Insular Possessions and Insular Dominions in the Pacific Ocean*  
—Washington, December 13, 1921

In signing the Treaty this day between the United States of America, the British Empire, France, and Japan, it is declared to be the understanding and intent of the Signatory Powers:

1 That the Treaty shall apply to the Mandated Islands in the Pacific Ocean, provided, however, that the making of the Treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the Mandatory Powers respectively in relation to the mandated islands.<sup>1</sup>

2 That the controversies to which the second paragraph of Article I refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective Powers.

Washington, D C, 13th December, 1921

*Protocol of Deposit of Ratifications of the Treaty between the British Empire, France, Japan, and the United States of America, relating to their Insular*

<sup>1</sup> Such agreements were subsequently concluded.

*Possessions and Insular Dominions in the Pacific Ocean, concluded at Washington, December 13, 1921.*

In conformity with Article 4 of the Treaty between the United States of America, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the region of the Pacific Ocean, concluded at Washington on 13th December, 1921, the undersigned representatives of the United States of America, the British Empire, France, and Japan, this day met at the Department of State at Washington, to proceed with the deposit with the Government of the United States of America of the instruments of ratification of the said Treaty by the Governments they represent

The representative of the United States of America declared that the instrument of ratification of the United States is deposited with the reservation and understanding, recited in the ratification, that—

The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force no alliance, no obligation to join in any defence

The instruments of ratification produced, having been found upon examination to be in due form, are entrusted to the Government of the United States of America to be deposited in the archives of the Department of State

In witness whereof the present *procès-verbal*, of which a certified copy will be sent by the Government of the United States of America to each one of the Powers signatory to the said Treaty, is signed

## 2. *The Treaty for the Limitation of Naval Armament, Washington, February 6, 1922*

### Article IV

The total capital ship replacement tonnage of each of the Contracting Powers shall not exceed in standard displacement, for the United States, 525,000 tons (533,400 metric tons), for the British Empire, 525,000 tons (533,400

metric tons), for France, 175,000 tons (177,800 metric tons), for Italy, 175,000 tons (177,800 metric tons), for Japan, 315,000 tons (320,040 metric tons)

### Article V

No capital ship exceeding 35,000 tons (35,560 metric tons) standard displacement shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers

### Article VI

No capital ship of any of the Contracting Powers shall carry a gun with a calibre in excess of 16 inches (406 millimetres)

### Article XI

No vessel of war exceeding 10,000 tons (10,160 metric tons) standard displacement, other than a capital ship or aircraft carrier, shall be acquired by, or constructed by, for, or within the jurisdiction of, any of the Contracting Powers Vessels not specifically built as fighting ships nor taken in time of peace under Government control for fighting purposes, which are employed on fleet duties or as troop transports or in some other way for the purpose of assisting in the prosecution of hostilities otherwise than as fighting ships, shall not be within the limitations of this Article

### Article XII

No vessel of war of any of the Contracting Powers, hereafter laid down, other than a capital ship, shall carry a gun with a calibre in excess of 8 inches (203 millimetres)

### Article XIX

The United States, the British Empire, and Japan agree that the *status quo* at the time of the signing of the present Treaty, with regard to fortifications and naval bases, shall be maintained in their respective territories and possessions specified hereunder

1 The insular possessions which the United States now holds or may hereafter acquire in the Pacific Ocean, (a) those adjacent to the coast of the United States, Alaska, and the Panama Canal Zone, not including the Aleutian Islands, and (b) the Hawaiian Islands,

2 Hong Kong and the insular possessions which the British Empire now holds or may hereafter acquire in the Pacific Ocean, east of the meridian of  $110^{\circ}$  east longitude, except (a) those adjacent to the coast of Canada, (b) the Commonwealth of Australia and its territories, and (c) New Zealand,

3 The following insular territories and possessions of Japan in the Pacific Ocean, to wit the Kurile Islands, the Bonin Islands, Amami-Oshima, the Loochoo Islands, Formosa and the Pescadores, and any insular territories or possessions in the Pacific Ocean which Japan may hereafter acquire

The maintenance of the *status quo* under the foregoing provisions implies that no new fortifications or naval bases shall be established in the territories and possessions specified, that no measures shall be taken to increase the existing naval facilities for the repair and maintenance of naval forces, and that no increase shall be made in the coast defences of the territories and possessions above specified. This restriction however, does not preclude such repair and replacement of worn-out weapons and equipment as is customary in naval and military establishments in time of peace

### Article XXIII

The present Treaty shall remain in force until the 31st December, 1936, and in case none of the Contracting Powers shall have given notice two years before that date of its intention to terminate the Treaty, it shall continue in force until the expiration of two years from the date on which notice of termination shall be given by one of the Contracting Powers, whereupon the Treaty shall terminate as regards all the Contracting Powers. Such notice shall be communicated in writing to the Govern-

ment of the United States, which shall immediately transmit a certified copy of the notification to the other Powers and inform them of the date on which it was received. The notice shall be deemed to have been given and shall take effect on that date. In the event of notice of termination being given by the Government of the United States, such notice shall be given to the diplomatic representatives at Washington of the other Contracting Powers, and the notice shall be deemed to have been given and shall take effect on the date of the communication made to the said diplomatic representatives.<sup>1</sup>

Within one year of the date on which a notice of termination by any Power has taken effect, all the Contracting Powers shall meet in conference.

<sup>1</sup> For denunciation by Japan see No XLV *Post*

## VIII

# THE BALFOUR NOTE ON INTER-ALLIED DEBTS

August 1, 1922

YOUR EXCELLENCY,

As your Excellency is aware, the general question of the [French, Italian, &c] debt to this country has not yet been the subject of any formal communication between the two Governments, nor are His Majesty's Government anxious to raise it at the present moment. Recent events, however, leave them little choice in the matter, and they feel compelled to lay before the [French, Italian, &c] Government their views on certain aspects of the situation created by the present condition of international indebtedness.

Speaking in general terms, the war debts, exclusive of interest, due to Great Britain at the present moment amount in the aggregate to about £3,400,000,000, of which Germany owes £1,450,000,000, Russia £650,000,000, and our allies £1,300,000,000. On the other hand, Great Britain owes the United States about a quarter of this sum—say £850,000,000, at par of exchange, together with interest accrued since 1919.

No international discussion has yet taken place on the unexampled situation partially disclosed by these figures, and pending a settlement which would go to the root of the problem, His Majesty's Government have silently abstained from making any demands upon their allies, either for the payment of interest or the repayment of capital. But, if action in the matter has hitherto been deemed inopportune, this is not because His Majesty's Government either underrate the evils of the present state of affairs, or because they are reluctant to make large sacrifices to bring it to an end. On the contrary, they are prepared, if such a policy formed part of a



satisfactory international settlement, to remit all the debts due to Great Britain by our allies in respect of loans, or by Germany in respect of reparations

Recent events, however, make such a policy difficult of accomplishment. With the most perfect courtesy, and in the exercise of their undoubted rights, the American Government have required this country to pay the interest accrued since 1919 on the Anglo-American debt, to convert it from an unfunded to a funded debt, and to repay it by a sinking fund in twenty five years. Such a procedure is clearly in accordance with the original contract. His Majesty's Government make no complaint of it, they recognize their obligations and are prepared to fulfil them. But evidently they cannot do so without profoundly modifying the course which, in different circumstances, they would have wished to pursue. They cannot treat the repayment of the Anglo-American loan as if it were an isolated incident in which only the United States of America and Great Britain had any concern. It is but one of a connected series of transactions, in which this country appears sometimes as debtor, sometimes as creditor, and if our undoubted obligations as a debtor are to be enforced, our not less undoubted rights as a creditor cannot be left wholly in abeyance.

His Majesty's Government do not conceal the fact that they adopt this change of policy with the greatest reluctance. It is true that Great Britain is owed more than it owes, and that, if all inter Allied war debts were paid, the British Treasury would, on balance, be a large gainer by the transaction. But can the present world situation be looked at only from this narrow financial standpoint? It is true that many of the Allied and Associated Powers are, as between each other, creditors or debtors, or both. But they were and are, much more. They were partners in the greatest international effort ever made in the cause of freedom, and they are still partners in dealing with some, at least, of its results. Their debts were incurred their loans were made, not for

the separate advantage of particular States, but for a great purpose common to them all, and that purpose has been, in the main, accomplished

To generous minds it can never be agreeable, although, for reasons of State, it may perhaps be necessary, to regard the monetary aspect of this great event as a thing apart, to be torn from its historical setting and treated as no more than an ordinary commercial dealing between traders who borrow and capitalists who lend. There are, moreover, reasons for a different order, to which I have already referred which increase the distaste with which His Majesty's Government adopt so fundamental an alteration in method of dealing with loans to allies. The economic ills from which the world is suffering are due to many causes, moral and material, which are quite outside the scope of this despatch. But among them must certainly be reckoned the weight of international indebtedness, with all its unhappy effects upon credit and exchange, upon national production and international trade. The peoples of all countries long for a speedy return to the normal. But how can the normal be reached while conditions so abnormal are permitted to prevail? And how can these conditions be cured by any remedies that seem at present likely to be applied?

For evidently the policy hitherto pursued by this country of refusing to make demands upon its debtors is only tolerable so long as it is generally accepted. It cannot be right that one partner in the common enterprise should recover all that she has lent, and that another, while recovering nothing, should be required to pay all that she has borrowed. Such a procedure is contrary to every principle of natural justice and cannot be expected to commend itself to the people of this country. They are suffering from an unparalleled burden of taxation, from an immense diminution of national wealth, from serious want of employment, and from the severe curtailment of useful expenditure. These evils are courageously borne. But were they to be increased by an arrangement which, however legitimate, is obviously

one-sided, the British taxpayer would inevitably ask why he should be singled out to bear a burden which others are bound to share

To such a question there can be but one answer and I am convinced that Allied opinion will admit its justice. But while His Majesty's Government are thus regretfully constrained to request the French Government to make arrangements for dealing to the best of their ability with Anglo-French loans, they desire to explain that the amount of interest and repayment for which they ask depends not so much on what France and other Allies owe to Great Britain as on what Great Britain has to pay America. The policy favoured by His Majesty is, as I have already observed, that of surrendering their share of German reparation, and writing off, through one great transaction, the whole body of inter-Allied indebtedness. But, if this be found impossible of accomplishment, we wish it to be understood that we do not in any event desire to make a profit out of any less satisfactory arrangement. In no circumstances do we propose to ask more from our debtors than is necessary to pay to our creditors. And, while we do not ask for more, all will admit that we can hardly be content with less. For it should not be forgotten, though it sometimes is, that our liabilities were incurred for others, not for ourselves. The food, the raw material, the munitions required by the immense naval and military efforts of Great Britain and half the £2,000,000,000 advanced to allies were provided, not by means of foreign loans, but by internal borrowing and war taxation. Unfortunately, a similar policy was beyond the power of other European nations. Appeal was therefore made to the Government of the United States, and under the arrangement then arrived at the United States insisted, in substance if not in form, that, though our allies were to spend the money, it was only on our security that they were prepared to lend it. This co-operative effort was of infinite value to the common cause, but it cannot be said that the role assigned in it to this country was one of special privilege or advantage.

Before concluding I may be permitted to offer one further observation in order to make still clearer the spirit in which His Majesty's Government desire to deal with the thorny problem of international indebtedness.

In an earlier passage of this despatch I pointed out that this, after all, is not a question merely between allies. Ex-enemy countries also are involved, for the greatest of all international debtors is Germany. Now His Majesty's Government do not suggest that, either as a matter of justice or expediency, Germany should be relieved of her obligation to the other allied States. They speak only for Great Britain, and they content themselves with saying once again that, so deeply are they convinced of the economic injury inflicted on the world by the existing state of things that this country would be prepared (subject to the just claims of other parts of the Empire) to abandon all further right to German reparation and all claims to repayment by allies, provided that this renunciation formed part of a general plan by which this great problem could be dealt with as a whole and find a satisfactory solution. A general settlement would in their view be of more value to mankind than any gains that could accrue even from the most successful enforcement of legal obligations.<sup>1</sup>

I have &c,  
BALFOUR

<sup>1</sup> This note was sent to the representatives in London of France, Italy, the Serb-Croat-Slovene State, Rumania, Portugal, and Greece.

## IX

# THE TREATY OF LAUSANNE BETWEEN THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN, GREECE, RUMANIA, AND THE SERB CROAT SLOVENE STATE AND TURKEY, JULY 24, 1923

## PART I

### *Political Clauses*

#### Article 1

From the coming into force of the present Treaty, the state of peace will be definitely re-established between the British Empire, France, Italy, Japan, Greece, Rumania, and the Serb-Croat Slovene State of the one part, and Turkey of the other part, as well as between their respective nationals

Official relations will be resumed on both sides and, in the respective territories diplomatic and consular representatives will receive, without prejudice to such agreements as may be concluded in the future, treatment in accordance with the general principles of international law

## SECTION I

### 1 *Territorial Clauses*

#### Article 2

From the Black Sea to the Ægean the frontier of Turkey is laid down as follows (see Map No 1)

#### (1) *With Bulgaria*

From the mouth of the River Rezvaya, to the River Maritza, the point of junction of the three frontiers of Turkey, Bulgaria, and Greece

the southern frontier of Bulgaria as at present demarcated,

(2) *With Greece*

Thence to the confluence of the Arda and the Maritza,  
the course of the Maritza,

then upstream along the Arda, up to a point on that  
river to be determined on the spot in the immediate  
neighbourhood of the village of Tchörek-Keuy  
the course of the Arda,

thence in a south-easterly direction up to a point on  
the Maritza, 1 kilom. below Bosna-Keuy.

a roughly straight line leaving in Turkish territory the  
village of Bosna-Keuy. The village of Tchörek-Keuy  
shall be assigned to Greece or to Turkey according as the  
majority of the population shall be found to be Greek  
or Turkish by the Commission for which provision is  
made in Article 5, the population which has migrated  
into this village after the 11th October, 1922, not being  
taken into account,

thence to the Aegean Sea

the course of the Maritza

## Article 3

From the Mediterranean to the frontier of Persia, the  
frontier of Turkey is laid down as follows

(1) *With Syria*

The frontier described in Article 8 of the Franco-  
Turkish Agreement of the 20th October, 1921,

(2) *With Iraq*

The frontier between Turkey and Iraq shall be laid  
down in friendly arrangement to be concluded between  
Turkey and Great Britain within nine months

In the event of no agreement being reached between  
the two Governments within the time mentioned, the  
dispute shall be referred to the Council of the League of  
Nations

The Turkish and British Governments reciprocally  
undertake that, pending the decision to be reached on  
the subject of the frontier, no military or other movement  
shall take place which might modify in any way the

present state of the territories of which the final fate will depend upon that decision

### Article 16

Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognized by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned

The provisions of the present Article do not prejudice any special arrangements arising from neighbourly relations which have been or may be concluded between Turkey and any limitrophe countries

### Article 17

The renunciation by Turkey of all rights and titles over Egypt and over the Soudan will take effect as from the 5th November, 1914

### Article 18

Turkey is released from all undertakings and obligations in regard to the Ottoman loans guaranteed on the Egyptian tribute, that is to say, the loans of 1855, 1891, and 1894. The annual payments made by Egypt for the service of these loans now forming part of the service of the Egyptian Public Debt, Egypt is freed from all other obligations relating to the Ottoman Public Debt

### Article 19

Any question arising from the recognition of the State of Egypt shall be settled by agreements to be negotiated subsequently in a manner to be determined later between the Powers concerned. The provisions of the present Treaty relating to territories detached from Turkey under the said Treaty will not apply to Egypt

### Article 20

Turkey hereby recognizes the annexation of Cyprus

proclaimed by the British Government on the 5th November, 1914

### Article 21

Turkish nationals ordinarily resident in Cyprus on the 5th November, 1914, will acquire British nationality subject to the conditions laid down in the local law, and will thereupon lose their Turkish nationality. They will, however, have the right to opt for Turkish nationality within two years from the coming into force of the present Treaty, provided that they leave Cyprus within twelve months after having so opted.

Turkish nationals ordinarily resident in Cyprus on the coming into force of the present Treaty who, at that date, have acquired or are in process of acquiring British nationality, in consequence of a request made in accordance with the local law, will also thereupon lose their Turkish nationality.

It is understood that the Government of Cyprus will be entitled to refuse British nationality to inhabitants of the island who, being Turkish nationals, had formerly acquired another nationality without the consent of the Turkish Government.

## 2. *Special Provisions*

### Article 22

The High Contracting Parties are agreed to recognize and declare the principle of freedom of transit and of navigation, by sea and by air, in time of peace as in time of war, in the strait of the Dardanelles, the Sea of Marmora and the Bosphorus as prescribed in the separate Convention signed this day, regarding the régime of the Straits. This Convention will have the same force and effect in so far as the present High Contracting Parties are concerned as if it formed part of the present Treaty.

### Article 23

Each of the High Contracting Parties hereby accepts, in so far as it is concerned, the complete abolition of the Capitulations in Turkey in every respect.



## SECTION III

*Protection of Minorities*

## Article 38

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order

## THE UNITED STATES AND REPARATIONS

*Exchange of Notes between the British and United States Governments regarding an Inquiry into the Reparations Question*1 *Note communicated to the United States Secretary of State, October 13, 1923*

THE information which reaches America will have acquainted the American Government with the extremely critical economic position that has arisen in Europe owing to failure to find any solution for the Reparation problem which daily becomes more acute as the financial and political condition of Germany grows worse. There does not appear to be among the European powers that unity of thought which either renders common action feasible or will be successful in finding an early solution. His Majesty's Government have during the past nine months made a series of proposals to their Allies for meeting these difficulties, none of which has been so fortunate as to meet with a measure of acceptance sufficient to bring about common action. And yet, without such action, not merely Germany, but Europe appears to be drifting into economic disaster. In these circumstances His Majesty's Government have for long entertained the belief that the co-operation of the United States Government is an essential condition of any real advance toward settlement. America by reason of her position and history, is more disinterested than any of the European powers. At the same time she is directly and vitally concerned with the solution of the European problem, if for no other reason, because in it is involved the question of the inter Allied debt.

When Mr. Hughes made his declaration in December last both Great Britain and Germany made it clear that they would warmly welcome the proffered assistance,

and whenever the suggestion has been revived it has met with the hearty approval of His Majesty's Government, the French Government hitherto has taken a different view. This lack of unity is, so far as His Majesty's Government are aware, the sole reason why the proposal has not been proceeded with.

His Majesty's Government were already engaged in formulating an inquiry to the United States Government as to the manner in which, in the opinion of the latter, the united action, which is the common desideratum, could best be brought about, when they read in the press yesterday morning a declaration, reported to have been made by President Coolidge, that the American Government rest on their proposal of December last. His Majesty's Government warmly welcome this declaration, and hope that they are justified in deducing from it that, if the European powers will join in such an inquiry, America will render the promised co-operation.

If His Majesty's Government have rightly interpreted the statement of the President, and if they may count upon an encouraging reception being given to such a proceeding, they will not hesitate to invite the immediate co-operation of their Allies in Europe in an invitation to the United States Government to assist in the proposed inquiry, by deputing a delegate, whether official or unofficial, to take part in it. If, on the other hand, it were proposed to hold such an inquiry although complete unanimity had not been forthcoming at this end, might His Majesty's Government and the majority of the Allies still hope for American co-operation? Alternatively, if it were proposed that such an inquiry should be intrusted to the Reparation Commission or to a body appointed by it, would America still be willing to participate?

It is in the firm belief that the American Government have it in their power to render a great service to the security and peace of the world that His Majesty's Government, speaking in the name of the whole British Empire as represented in the Imperial Conference now

assembled in London, desire to associate themselves with the renewed proposal of the President, and they will be glad to receive from the American Government any suggestion that the latter may be disposed to offer in reply to the questions which I have ventured to put

## 2 *Aide Memoire from the United States Secretary of State, October 15, 1923*

IN reply to the communication of His Majesty's *Chargé d'Affaires* of October 13, the Secretary of State desires again to express the deep interest of the United States in the economic situation in Europe and its readiness to aid in any practicable way to promote recuperation and a re-establishment of economic stability. The Government of the United States has viewed with deep concern the lack, as His Majesty's Government expresses it, of that unity of thought on the part of the European powers essential to common action. The views of the Government of the United States as to the importance of agreement among the Allies and the relations of the Government of the United States to the question involved were set forth in the statement of the Secretary of State to which His Majesty's Government refers, and these views are still held. It is observed that His Majesty's Government states that Great Britain and Germany made it clear that the proffered assistance would be warmly welcomed by them and that His Majesty's Government has always heartily approved the suggestion, then made by the Secretary of State, whenever it has been revived, and that so far as His Majesty's Government is aware, the sole reason why the proposal has not been proceeded with has been lack of unanimity among the interested powers.

It is believed that present conditions make it imperative that a suitable financial plan should be evolved to prevent economic disaster in Europe the consequence of which would be world wide. It is hoped that existing circumstances are propitious for the consideration of

such a plan inasmuch as the abandonment of resistance on the part of the German Government will present a freer opportunity and an immediate necessity for establishing an economic programme. The Government of the United States is, therefore, entirely willing to take part in an economic conference in which all the European Allies chiefly concerned in German Reparations participate, for the purpose of considering the questions of the capacity of Germany to make Reparation payments and an appropriate financial plan for securing such payments. It is deemed advisable, however, to emphasize the following points:

1. Confirming what was said by the Secretary of State in his statement of last December to which you refer, the Government of the United States has no desire to see Germany relieved of her responsibility for the war or of her just obligations. There should be no ground for the impression that a conference, if called, should have any such aim or that resistance to the fulfilment of Germany's obligations has any support. It should be evident that, in the effort to attain the ends in view, regard must be had to the capacity of Germany to pay and to the fundamental condition of Germany's recuperation, without which Reparation payments will be impossible.

2. Such a conference should be advisory—not for the purpose of binding Governments, who would naturally be unwilling to pledge their acceptance in advance, but to assure appropriate recommendations by a thoroughly informed and impartial body intent upon the solution of the difficult pending problems upon their merits.

3. The Secretary of State notes the observation in the communication of His Majesty's Government that the European problem is of direct and vital interest to the United States, "if for no other reason, because the question of the inter-Allied debt is involved therein." The Government of the United States has consistently maintained the essential difference between the questions of Germany's capacity to pay and of the practicable methods to secure Reparation payments from Germany, and the

payment by the Allies of their debts to the United States, which constitute distinct obligations. In the statement of the Secretary of State, to which His Majesty's Government refers, it was said:

The matter is plain enough from our standpoint. The capacity of Germany to pay is not at all affected by any indebtedness of any of the Allies to us. That indebtedness does not diminish Germany's capacity, and its removal would not increase her capacity. For example, if France had been able to finance her part in the war without borrowing at all from us, that is, by taxation and internal loans, the problem of what Germany could pay would be exactly the same. Moreover, so far as the debtors to the United States are concerned they have unsettled credit balances, and their condition and capacity to pay cannot be properly determined until the amount that can be realized on these credits for Reparations has been determined.

The Administration must also consider the difficulty arising from the fact that the question of these obligations which we would hold and what shall be done with them is not a question within the province of the Executive. Not only may Congress deal with public property of this sort, but it has dealt with it. It has created a commission and, instead of giving that commission broad powers such as the Administration proposed, which quite apart from cancellation might permit a sound discretion to be exercised in accordance with the facts elicited, Congress has placed definite restrictions upon the power of the commission in providing for the refunding of these debts.

It is hardly necessary to add, as it has frequently been stated by the Government of the United States, that while the American people do not favour cancellation of the debts of the Allies to the United States or of the transfer to the people of the United States of the burden of Germany's obligations, directly or indirectly, the Government of the United States has no desire to be oppressive or to refuse to make reasonable settlements as to time and terms of payment, in full consideration of the circumstances of the Allied debtors. It may be added that the establishment of sound economic conditions in Europe, the serious reduction of military outlays and the

demonstration of a disposition of European peoples to work together to achieve the aims of peace and justice will not fail to have their proper influence upon American thought and purpose in connexion with such adjustments

In further reply to the communication of His Majesty's Government, it may be said that the Government of the United States is not in a position to appoint a member of the Reparation Commission inasmuch as such an appointment can not be made without the consent of the Congress. The Secretary of State has no doubt, however, that competent American citizens would be willing to participate in an economic inquiry, for the purposes stated, through an advisory body appointed by the Reparation Commission to make recommendations in case that course after further consideration should be deemed preferable

As to the further question, whether American co-operation in an inquiry for the purposes described in the communication of His Majesty's Government could be hoped for in case unanimity of the European powers could not be had, the Government of the United States must again express the view that the questions involved cannot be finally settled without the concurrence of the European Governments directly concerned. Other Governments cannot consent for them, and it would manifestly be extremely difficult to formulate financial plans of such importance and complexity without the participation of those whose assent is necessary to their fulfilment. In view of the existing exigencies it is hoped that the project of such an inquiry as is contemplated, of an advisory nature, might commend itself to all these powers and that the question suggested will not arise. But if it should arise through lack of unanimity on the part of the European powers, the Government of the United States must reserve decision as to its course of action in order that the developments in such a contingency may be fully considered and that course taken which will give best promise of ultimate success in

securing the desired end of re-establishing the essential conditions of European peace and economic restoration. To the attainment of that end, it may be repeated, the Government of the United States desires to lend its assistance in any manner that may be found feasible.



## XI

# THE TREATY OF ALLIANCE AND FRIENDSHIP BETWEEN FRANCE AND CZECHOSLOVAKIA, PARIS, JANUARY 25, 1924

THE President of the French Republic and the President of the Czechoslovak Republic, being earnestly desirous of upholding the principle of international agreements which was solemnly confirmed by the Covenant of the League of Nations, being further desirous of guarding against any infraction of the peace, the maintenance of which is necessary for the political stability and economic restoration of Europe, being resolved for this purpose to ensure respect for the international juridical and political situation created by the Treaties of which they were both signatories, and having regard to the fact that, in order to attain this object, certain mutual guarantees are indispensable for security against possible aggression and for the protection of their common interests [the signatories] have agreed to the following provisions

### Article 1

The Governments of the French Republic and of the Czechoslovak Republic undertake to concert their action in all matters of foreign policy which may threaten their security or which may tend to subvert the situation created by the Treaties of Peace of which both parties are signatories

### Article 2

The High Contracting Parties shall agree together as to the measures to be adopted to safeguard their common interests in case the latter are threatened

### Article 3

The High Contracting Parties, being fully in agreement as to the importance, for the maintenance of the world s

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peace, of the political principles laid down in Article 88 of the Treaty of Peace of St. Germain-en Laye of September 10, 1919, and in the Protocols of Geneva dated October 4, 1922, of which Instruments they both are signatories, undertake to consult each other as to the measures to be taken in case there should be any danger of an infraction of these principles

#### Article 4

The High Contracting Parties, having special regard to the declarations made by the Conference of Ambassadors on February 3, 1920, and April 1, 1921, on which their policy will continue to be based, and to the declaration made on November 10 1921, by the Hungarian Government to the Allied diplomatic representatives, undertake to consult each other in case their interests are threatened by a failure to observe the principles laid down in the aforesaid declarations

#### Article 5

The High Contracting Parties solemnly declare that they are in complete agreement as to the necessity, for the maintenance of peace, of taking common action in the event of any attempt to restore the Hohenzollern dynasty in Germany and they undertake to consult each other in such a contingency

#### Article 6

In conformity with the principles laid down in the Covenant of the League of Nations, the High Contracting Parties agree that if in future any dispute should arise between them which cannot be settled by friendly agreement and through diplomatic channels they will submit such dispute either to the Permanent Court of International Justice or to such other arbitrator or arbitrators as they may select

#### Article 7

The High Contracting Parties undertake to communicate to each other all Agreements affecting their policy

in Central Europe which they may have previously concluded, and to consult one another before concluding any further Agreements. They declare that, in this matter, nothing in the present Treaty is contrary to the above Agreements and in particular to the Treaty of Alliance between France and Poland, or to the Conventions and Agreements concluded by Czechoslovakia with the Federal Republic of Austria, Rumania, the Kingdom of the Serbs, Croats, and Slovenes, or to the Agreement effected by an exchange of notes on February 8, 1921, between the Italian Government and the Czechoslovak Government.

### Article 8

The present Treaty shall be communicated to the League of Nations in conformity with Article 18 of the Covenant.

The present Treaty shall be ratified and the instruments of ratification shall be exchanged at Paris as soon as possible.

In faith whereof the respective plenipotentiaries, being duly empowered for this purpose, have signed the present Treaty and have thereto affixed their seals.

## XII

# THE RECOGNITION OF THE U.S.S.R. BY GREAT BRITAIN

### 1. *British Note, February 1, 1924*

I HAVE the honour, by direction of my Government, to inform Your Excellency that they recognize the Union of Socialist Soviet Republics as the *de jure* rulers of those territories of the old Russian Empire which acknowledge their authority

2. In order, however, to create the normal conditions of complete friendly relations and full commercial intercourse, it will be necessary to conclude definite practical agreements on a variety of matters some of which have no direct connexion with the question of recognition; some of which, on the other hand, are intimately bound up with the fact of recognition.

3 In the latter category may be cited the question of existing treaties His Majesty's Government are advised that the recognition of the Soviet Government of Russia will, according to the accepted principles of international law, automatically bring into force all the treaties concluded between the two countries previous to the Russian Revolution, except where these have been denounced or have otherwise juridically lapsed It is obviously to the advantage of both countries that the position in regard to these treaties should be regularized simultaneously with recognition

4 Technically unconnected with recognition, but clearly of the utmost importance, are the problems of the settlement of existing claims by the Government and nationals of one party against the other and the restoration of Russia's credit

5 It is also manifest that genuinely friendly relations cannot be said to be completely established so long as either party has reason to suspect the other of carrying on

propaganda against its interests and directed to the overthrow of its institutions

6 In these circumstances His Majesty's Government invite the Russian Government to send over to London, at the earliest possible date, representatives armed with full powers to discuss these matters and to draw up the preliminary bases of a complete treaty to settle all questions outstanding between the two countries

7 In the meantime I have been given the status of *Chargé d'Affaires* pending the appointment of an Ambassador, and I am to state that his Majesty's Government will be glad similarly to receive a Russian *Chargé d'Affaires* representing the Government of the Union at the Court of St James

## 2 U.S.S.R. Reply, February 8, 1924

I HAVE the honour, on behalf of the Government of the Union of Soviet Socialist Republics, to inform your Excellency that my Government has taken cognizance with satisfaction of the contents of the British note of February 1, 1924, in which the British Government recognizes *de jure* the Government of the Union of Soviet Socialist Republics whose authority extends throughout all the territories of the former Russian Empire, with the exception of those which have been severed with the consent of the Soviet Government and in which independent States have been constituted

2. Expressing the will of the Second Congress of the Union of Soviet Socialist Republics which proclaimed that friendly co-operation between the peoples of Great Britain and the Soviet Union remained one of the first cares of the Government of the Union the latter declares its readiness to discuss and settle in a friendly spirit all questions arising directly or indirectly out of the fact of recognition

3 Consequently my Government is prepared to arrive at an understanding with the British Government to replace those former treaties which have either been denounced or have lost their juridical force as a result of events during or after the war

4 For this purpose the Government of the Soviet Union is prepared to send to London in the immediate future representatives with full powers, whose tasks will also include the settlement of outstanding claims and obligations of one party against the other, as well as the determination of means for the restoration of Russia's credit in Great Britain

5 My Government, in full accord with the views of the Government of Great Britain, considers that mutual confidence and non-interference in internal affairs remain indispensable conditions for the strengthening and development of friendly relations between the two countries

6 My Government has learned with pleasure of the appointment of Mr Hodgson as British *Chargé d'Affaires* in Moscow, and has instructed me to inform your Excellency that, pending the appointment of an Ambassador, I have been given the status of *Chargé d'Affaires* of the Union of Soviet Socialist Republics at the Court of St James

I take this opportunity of conveying to your Excellency the assurances of my most distinguished consideration

### XIII

## THE EVACUATION OF THE RUHR EXCHANGE OF NOTES, AUGUST 16, 1924

### 1. *Note from MM Herriot, Theunis, and Hymans to Dr. Marx*

We have the honour to inform you of the following statement which we make on behalf of our two Governments

The French and Belgium Governments, confirming their previous declarations to the effect that the occupation of the Ruhr was carried out by them in virtue of the Treaty of Versailles, but being determined to respect the undertakings entered into at the time of the occupation, which had no object other than that of obtaining from Germany guarantees for the carrying out of her obligations, declare that if the London Agreements freely entered into for the putting into force of the Experts' Plan are carried out in the spirit of good faith and pacification which has inspired the deliberations of the Conference, they will proceed to the military evacuation of the Ruhr within the maximum period of one year from the present date. We shall be glad if your Excellency would acknowledge receipt of this communication

### 2 *Reply from Dr Marx to MM Herriot, Theunis, and Hymans*

I HAVE the honour to acknowledge receipt of your letter of to-day's date in which you communicate to me the declarations of the French and Belgian Governments regarding the evacuation of the Ruhr territory

In taking note of this declaration, I maintain the point of view upheld on different occasions by the German Government that the occupation of German territories beyond the German frontiers fixed by Article 428 of the Treaty of Versailles cannot be recognized as lawful. At

the same time I would express my conviction that it would be desirable to hasten as much as possible military evacuation so as to terminate it before the date fixed by you. I trust that the French and Belgian Governments will consider this point of view.

### 3. *Further note from MM Herriot, Theunis, and Hymans to Dr. Marx*

AT the moment when the London Conference is about to close, a Conference which marks a serious effort to establish a *regime* of international concord, the French and Belgian Governments, desirous of giving immediate and spontaneous proof of their desire for peace and their confidence in undertakings freely entered into, have decided to order on the morrow of the final signatures the military evacuation of the zone between Dortmund and Horde and of the territories outside the Ruhr occupied since January 11, 1923. This evacuation will be carried out simultaneously with the economic evacuation of the same zones.

### 4. *Reply from Dr. Marx to MM Herriot, Theunis, and Hymans*

I HAVE the honour to acknowledge receipt of your letter of to-day's date in which you confirm that on the morrow of the final signature of the London Agreement the military evacuation of the Dortmund Horde zone as well as that of the parts of territories occupied after January 11, 1923, and situated outside the Ruhr region, will be ordered. I rejoice at this decision which, in your confidence in the agreements which have been reached, you have taken to restore peace. The German Government is determined to be guided by the same spirit. It hopes that the *carrying out of this decision* will mark the beginning of a new era which will conduct us to a peaceful and fruitful development of the relations between our countries.



*5 Note from Mr. MacDonald to MM Herriot and  
Theunis*

In view of the new agreement which has been reached regarding the occupation of the Ruhr and of the exchange of Notes between the three Governments primarily concerned, it is necessary that I should reiterate in writing the position of the British Government as I have so frequently explained it during the last two or three days.

The British Government has never recognized the legality of the occupation of the Ruhr or the interpretation of the clauses in the Treaty of Versailles upon which their Allies acted. They hoped that, as that occupation was undertaken solely for economic purposes, it would be withdrawn so soon as the Dawes Report was put into operation. The Expert Committee, because their terms of reference were too limited, had to refrain from making recommendations regarding this military occupation, but they made it clear that the economic effect of the occupation could not be overlooked if and when their Report was acted upon.

The Occupying Powers and the German Government have agreed to accept an arrangement by which the occupation shall not extend beyond 12 months from this date, but may be terminated earlier. The British Government, without prejudice to the position which they and their predecessors have taken up as to the interpretation of the Treaty, but being anxious to see the Dawes Report in operation, simply note the agreement, and urge most strongly that the Governments concerned should take every possible step to hasten the evacuation, as, in the opinion of the British Government the continued occupation may prejudice the working of the Dawes plan and jeopardize the arrangements agreed to at the London Conference.

## XIV

### THE 'ZINOVIEFF LETTER'

1. *Foreign Office to M. Rakovski, October 24, 1924*

SIR,

I have the honour to invite your attention to the enclosed copy of a letter which has been received by the Central Committee of the British Communist Party from the Presidium of the Executive Committee of the Communist International, over the signature of M. Zinovieff, its President, dated September 15. The letter contains instructions to British subjects to work for the violent overthrow of existing institutions in this country, and for the subversion of His Majesty's armed forces as a means to that end.

2. It is my duty to inform you that His Majesty's Government cannot allow this propaganda and must regard it as a direct interference from outside in British domestic affairs.

3. No one who understands the constitution and the relationships of the Communist International will doubt its intimate connexion and contact with the Soviet Government. No Government will ever tolerate an arrangement with a foreign Government by which the latter is in formal diplomatic relations of a correct kind with it, whilst at the same time a propagandist body organically connected with that foreign Government encourages and even orders subjects of the former to plot and plan revolutions for its overthrow. Such conduct is not only a grave departure from the rules of international comity, but a violation of specific and solemn undertakings repeatedly given to His Majesty's Government.

4. So recently as June 4 of last year the Soviet Government made the following solemn agreement with His Majesty's Government:

The Soviet Government undertakes not to support

with funds or in any other form persons or bodies or agencies or institutions whose aim is to spread discontent or to foment rebellion in any part of the British Empire and to impress upon its officers and officials the full and continuous observance of these conditions

5 Moreover, in the Treaty which His Majesty's Government recently concluded with your Government,<sup>1</sup> still further provision was made for the faithful execution of an analogous undertaking which is essential to the existence of good and friendly relations between the two countries His Majesty's Government means that these undertakings shall be carried out both in the letter and in the spirit, and it cannot accept the contention that whilst the Soviet Government undertakes obligations, a political body, as powerful as itself, is to be allowed to conduct a propaganda and support it with money, which is in direct violation of the official agreement The Soviet Government either has or has not the power to make such agreements If it has the power it is its duty to carry them out and see that the other parties are not deceived If it has not this power and if responsibilities which belong to the State in other countries are in Russia in the keeping of private and irresponsible bodies, the Soviet Government ought not to make agreements which it knows it cannot carry out

6 I should be obliged if you would be good enough to let me have the observations of your Government on this subject without delay

I have the honour to be with high consideration, Sir,  
your obedient servant (in the absence of the Secretary of State),

J D GREGORY

<sup>1</sup> August 8 1924 Art. 14 (Cmd. 2260, p. 13)

2 *The 'Zinovieff Letter'*

Very Secret

To The Central Committee, British Communist Party  
Executive Committee,

Third

Communist International  
Presidium

Sept 15, 1924, Moscow

DEAR COMRADES,

The time is approaching for the Parliament of England to consider the Treaty concluded between the Governments of Great Britain and the S S S R for the purpose of ratification. The fierce campaign raised by the British *bourgeoisie* around the question shows that the majority of the same, together with reactionary circles, are against the Treaty for the purpose of breaking off an agreement consolidating the ties between the proletariats of the two countries leading to the restoration of normal relations between England and the S S S R.

The proletariat of Great Britain, which pronounced its weighty word when danger threatened of a break-off of the past negotiations and compelled the Government of MacDonald to conclude the Treaty, must show the greatest possible energy in the further struggle for ratification and against the endeavours of British capitalists to compel Parliament to annul it.

It is indispensable to stir up the masses of the British proletariat, to bring into movement the army of unemployed proletarians whose position can be improved only after a loan has been granted to the S S S R for the restoration of her economics and when business collaboration between the British and Russian proletariats has been put in order. It is imperative that the group in the Labour Party sympathizing with the Treaty should bring increased pressure to bear upon the Government and Parliamentary circles in favour of the ratification of the Treaty.

Keep close observation over the leaders of the Labour

Party, because these may easily be found in the leading strings of the *bourgeoisie*. The foreign policy of the Labour Party as it is already represents an inferior copy of the policy of the Curzon Government. Organize a campaign of disclosure of the foreign policy of MacDonald.

The Ikki [Executive Committee, Third (Communist) International] will willingly place at your disposal the wide material in its possession regarding the activities of British Imperialism in the Middle and Far East. In the meanwhile, however, strain every nerve in the struggle for the ratification of the Treaty, in favour of a continuation of negotiations regarding the regulation of relations between the S.S.S.R. and England. A settlement of relations between the two countries will assist in the revolutionizing of the international and British proletariat not less than a successful rising in any of the working districts of England, as the establishment of close contact between the British and Russian proletariat, the exchange of delegations and workers, &c, will make it possible for us to extend and develop the propaganda of ideas of Leninism in England and the Colonies. Armed warfare must be preceded by a struggle against the inclinations to compromise which are embedded among the majority of British workmen against the ideas of evolution and peaceful extermination of capitalism. Only then will it be possible to count upon complete success of an armed insurrection. In Ireland and the Colonies the case is different there there is a national question, and this represents too great a factor for success for us to waste time on a prolonged preparation of the working class.

But even in England, as in other countries where the workers are politically developed, events themselves may more rapidly revolutionize the working masses than propaganda. For instance a strike movement, repressions by the Government, &c.

From your last report it is evident that agitation propaganda work in the Army is weak, in the Navy a

very little better. Your explanation that the quality of the members attracted justifies the quantity is right in principle, nevertheless, it would be desirable to have cells in all the units of the troops, particularly among those quartered in the large centres of the country, and also among factories working on munitions and at military store depots. We request that the most particular attention be paid to these latter.

In the event of danger of war, with the aid of the latter and in contact with the transport workers, it is possible to paralyse all the military preparations of the *bourgeoisie* and make a start in turning an imperialist war into a class war. Now more than ever we should be on our guard. Attempts at intervention in China show that world imperialism is still full of vigour and is once more making endeavours to restore its shaken position and cause a new war, which as its final objective is to bring about the break-up of the Russian proletariat and the suppression of the budding world revolution, and further would lead to the enslavement of the colonial peoples. 'Danger of War,' 'The *Bourgeoisie* seeks War, Capital fresh Markets'—these are the slogans which you must familiarize the masses with, with which you must go to work into the mass of the proletariat. These slogans will open to you the doors of comprehension of the masses, will help you to capture them and march them under the banner of Communism.

The military section of the British Communist Party, so far as we are aware, further suffers from a lack of specialists, the future directors of the British Red Army.

It is time you thought of forming such a group, which, together with the leaders, might be, in the event of an outbreak of active strife, the brain of the military organization of the party.

Go attentively through the lists of the military 'cells', detailing from them the more energetic and capable men, turn attention to the more talented military specialists, who have, for one reason or another, left the Service and hold Socialist views. Attract them into the ranks of

the Communist Party if they desire honestly to serve the proletariat, and desire in the future to direct not the blind mechanical forces in the service of the *bourgeoisie*, but a national army

Form a directing operative head of the military section

Do not put this off to a future moment, which may be pregnant with events and catch you unprepared

Desiring you all success, both in organization and in your struggle

With Communist Greetings,  
President of the Presidium of the IKKI,

ZINOVIEFF

Member of the Presidium,

McMANUS

Secretary KUUSINEN

### 3. *M. Rakovski to the Foreign Office, October 25, 1924*

SIR,—I have received the Foreign Office Note of October 24, signed by Mr J D Gregory, to which I have the honour to make the following reply

1 As recently as last year, after the settlement of the diplomatic conflict which took place in May, it was agreed between the representative of the Government of the Soviet Union in London and the Foreign Office that, in the interests of the strengthening of friendly relations between the two countries, both parties would endeavour to settle by direct conversations any incidents which might arise, resorting to the dispatch of Notes only in the case of this friendly procedure failing to bring about a favourable result After my arrival in London the Foreign Office personally confirmed that in the future we would adhere to this reasonable practice, which would remove avoidable misunderstandings and prevent future conflicts By maintaining this rule we were able to liquidate in a friendly way a number of incidents affecting both countries

As an instance I will mention the fact that my Government did not resort to a public protest and to creating conflict in connexion with the extremely important incident bearing upon the most vital interests of the Union which arose as a result of the declaration made by the Representative of the British Government, Professor Gilbert Murray, at the Conference of the League of Nations—a declaration which was in contradiction with our agreements of last year and with the provision of the new Treaties of August 8 concerning non interference in our internal affairs, and which flagrantly violated the Note of the British Government on the recognition of the Soviet Union

2 To my great regret, the Note which I received last night, in which absolutely unfounded accusations are made by the Foreign Office against the Soviet Government, at a moment when British opinion is concentrated upon the Anglo Soviet Treaties and the future relations between Great Britain and the Soviet Union, constitutes an unexpected violation of the procedure which we mutually agreed upon

3 As regards the subject matter of Mr Gregory's Note, I declare in most categorical terms that the manifesto annexed to it is a gross forgery and an audacious attempt to prevent the development of friendly relations between the two countries. If, instead of departing from the established practice, the Foreign Office had in the first place approached me for an explanation, it would not have been difficult to convince them that they had been victims of deception on the part of the enemies of the Soviet Union. Not only the contents, but the heading and the signature of the document definitely prove that it is the work of malicious individuals who are inadequately familiar with the constitution of the Communist International. In circulars of the Communist International (which may be seen in the Press, for its activities are not concealed) it is never described as the 'Third Communist International'—for the simple reason that there has never been a first or a second Communist



International. The signature is a similarly clumsy forgery. M. Zinovieff is made to sign himself as the 'President of the Presidium of the Executive Committee of the Communist International', whereas actually he is and always signs himself officially as 'President of the Executive Committee'. The whole of the contents of the document are, moreover, from the Communist point of view, a tissue of absurdities, intended simply to arouse British public opinion against the Soviet Union, and to frustrate the efforts being made by both countries to establish durable and friendly relations.

4 The evident falsity of this document relieves me of the necessity of replying to the conclusion drawn in the Foreign Office Note as to the responsibility of the Soviet Government for the activities of the Communist International, since they are based on the assumption that the document is authentic.

5 I protest categorically against this using of false documents against the Soviet Union and also against the violation of the procedure mutually established for the consideration of all incidents which may arise between the two countries. At the same time I express my conviction that the British Government will take the necessary steps to investigate the authorship of this malicious attempt to create a conflict between the two Governments. This will ensure the possibility of preventing in future the recurrence of similar incidents.

I have the honour to be, Sir, with highest consideration,

Your obedient servant,

C. RAKOVSKI

## XV

### THE LOCARNO PACTS

#### 1. *Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain, and Italy, October 16, 1925*

THE President of the German Reich, His Majesty the King of the Belgians, the President of the French Republic, and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy,

Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914-18

Taking note of the abrogation of the treaties for the neutralization of Belgium, and conscious of the necessity of ensuring peace in the area which has so frequently been the scene of European conflicts,

Animated also with the sincere desire of giving to all the signatory Powers concerned supplementary guarantees within the framework of the Covenant of the League of Nations and the treaties in force between them,

Have determined to conclude a treaty with these objects, and have appointed as their plenipotentiaries [names omitted]

Who, having communicated their full powers, found in good and due form, have agreed as follows

#### Article I

The High Contracting Parties collectively and severally guarantee, in the manner provided in the following articles, the maintenance of the territorial *status quo* resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers as fixed by or in pur-

nuance of the Treaty of Peace signed at Versailles on the 18th June, 1919, and also the observance of the stipulations of Articles 42 and 43 of the said Treaty concerning the demilitarized zone

### Article 2

Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other

This stipulation shall not, however, apply in the case of—

1 The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of Articles 42 or 43 of the said Treaty of Versailles, if such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarized zone immediate action is necessary

2 Action in pursuance of Article 16 of the Covenant of the League of Nations

3 Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations provided that in this last event the action is directed against a State which was the first to attack

### Article 3

In view of the undertakings entered into in Article 2 of the present Treaty, Germany and Belgium and Germany and France undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy

Any question with regard to which the parties are in conflict as to their respective rights shall be submitted to judicial decision, and the parties undertake to comply with such decision

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two parties, the question shall be brought before the Council of the League of Nations, which will deal with it in accordance with Article 15 of the Covenant of the League.

The detailed arrangements for effecting such peaceful settlement are the subject of special agreements signed this day.

#### Article 4

(1) If one of the High Contracting Parties alleges that a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

(2) As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its finding without delay to the Powers signatory of the present Treaty, who severally agree that in such case they will each of them come immediately to the assistance of the Power against whom the act complained of is directed.

(3) In case of a flagrant violation of Article 2 of the present Treaty or of a flagrant breach of Articles 42 or 43 of the Treaty of Versailles by one of the High Contracting Parties, each of the other Contracting Parties hereby undertakes immediately to come to the help of the Party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarized zone immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this article, will issue its findings, and the High Contracting Parties undertake to act in accordance with the

## Article 8

The present Treaty shall be registered at the League of Nations in accordance with the Covenant of the League. It shall remain in force until the Council, acting on a request of one or other of the High Contracting Parties notified to the other signatory Powers three months in advance, and voting at least by a two-thirds' majority, decides that the League of Nations ensures sufficient protection to the High Contracting Parties; the Treaty shall cease to have effect on the expiration of a period of one year from such decision.

## Article 9

The present Treaty shall impose no obligation upon any of the British Dominions, or upon India, unless the Government of such Dominion, or of India, signifies its acceptance thereof

## Article 10

The present Treaty shall be ratified and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible

It shall enter into force as soon as all the ratifications have been deposited and Germany has become a member of the League of Nations

The present Treaty, done in a single copy, will be deposited in the archives of the League of Nations, and the Secretary-General will be requested to transmit certified copies to each of the High Contracting Parties.

In faith whereof the above-mentioned plenipotentiaries have signed the present Treaty

Done at Locarno, the 16th October, 1925

LETTER.  
STRESEMANN  
DRIELZ VANDERVELDE  
A BRIAND  
AUSTEN CHAMBERLAIN  
BENTO MUGLIOINI

of events prior to the present Treaty and belonging to the past

Disputes for the settlement of which a special procedure is laid down in other conventions in force between the High Contracting Parties shall be settled in conformity with the provisions of those conventions

### Article 2

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted with a view to amicable settlement, to a permanent international commission, styled the Permanent Conciliation Commission, constituted in accordance with the present Treaty

### Article 3

In the case of a dispute the occasion of which, according to the municipal law of one of the parties falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present Treaty until a judgement with final effect has been pronounced, within a reasonable time, by the competent national judicial authority

### Article 4

The Permanent Conciliation Commission mentioned in Article 2 shall be composed of five members who shall be appointed as follows, that is to say the High Contracting Parties shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third Powers, whose three commissioners must be of different nationalities, and the High Contracting Parties shall appoint the President of the commission from among them

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and in any case until

the termination of the work is hard at the moment of the expiry of their mandate

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations

### Article 5

The Permanent Conciliation Commission shall be constituted within three months from the entry into force of the present convention

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments

### Article 6

The Permanent Conciliation Commission shall be informed by means of a request addressed to the president by the two parties acting in agreement, or, in the absence of such agreement, by one or other of the parties

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement

If the request emanates from only one of the parties notification thereof shall be made without delay to the other party

### Article 7

Within fifteen days from the date when one of the High Contracting Parties shall have brought a dispute before the Permanent Conciliation Commission, either party may, for the examination of the particular dispute replace its commissioner by a person possessing special competence in the matter

The party making use of this right shall immediately inform the other party, the latter shall in that case be entitled to take similar action within fifteen days from the date when the notification reaches it

### Article 8

The task of the Permanent Conciliation Commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labours the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labours of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

### Article 9

Failing any special provision to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries, the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (International Commissions of Inquiry) of The Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

### Article 10

The Permanent Conciliation Commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.



## Article 11

The labours of the Permanent Conciliation Commission are not public except when a decision to that effect has been taken by the commission with the consent of the parties.

## Article 12

The parties shall be represented before the Permanent Conciliation Commission by agents, whose duty it shall be to act as intermediaries between them and the commission. They may moreover be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission on its side shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

## Article 13

Unless otherwise provided in the present treaty the decisions of the Permanent Conciliation Commission shall be taken by a majority.

## Article 14

The High Contracting Parties undertake to facilitate the labours of the Permanent Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

## Article 15

During the labours of the Permanent Conciliation Commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the High Contracting Parties, each of which shall contribute an equal share.

### Article 16

In the event of no amicable agreement being reached before the Permanent Conciliation Commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

If the parties cannot agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

### PART II

#### Article 17

All questions on which the German and Polish [Czechoslovak] Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy, the settlement of which cannot be attained by means of a judicial decision as provided in Article I of the present Treaty, and for the settlement of which no procedure has been laid down by other conventions in force between the parties shall be submitted to the Permanent Conciliation Commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in Articles 6-15 of the present Treaty shall be applicable.

#### Article 18

If the two parties have not reached an agreement within a month from the termination of the labours of the Permanent Conciliation Commission the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League.

*General Provisions***Article 19**

In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the Conciliation Commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with Article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The High Contracting Parties undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

**Article 20**

The present Treaty continues applicable as between the High Contracting Parties even when other Powers are also interested in the dispute.

**Article 21**

The present Treaty, which is in conformity with the Covenant of the League of Nations, shall not in any way affect the rights and obligations of the High Contracting Parties as Members of the League of Nations and shall not be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

**Article 22**

The present Treaty shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at

the same time as the ratifications of the Treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy

It shall enter into and remain in force under the same conditions as the said Treaty

The present Treaty, done in a single copy, shall be deposited in the archives of the League of Nations the Secretary General of which shall be requested to transmit certified copies to each of the High Contracting Parties

Done at Locarno the 16th October, 1925

STR. A S [Dr.B ]

### 3 *Collective Note to Germany regarding Article 16 of the Covenant of the League of Nations*

THE German delegation has requested certain explanations in regard to Article 16 of the Covenant of the League of Nations

We are not in a position to speak in the name of the League but in view of the discussions which have already taken place in the Assembly and in the commissions of the League of Nations and after the explanations which have been exchanged between ourselves, we do not hesitate to inform you of the interpretation which in so far as we are concerned we place upon Article 16

In accordance with that interpretation the obligations resulting from the said article on the members of the League must be understood to mean that each State Member of the League is bound to co-operate loyally and effectively in support of the Covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and takes its geographical position into account.

E.V

A B

A C

B M

Dr B.

A.S.

#### 4 *Treaties between France and Poland and between France and Czechoslovakia*<sup>1</sup>

The President of the French Republic and the President of the Polish [Czechoslovak] Republic,

Equally desirous to see Europe spared from war by a sincere observance of the undertakings arrived at this day with a view to the maintenance of general peace,

Have resolved to guarantee their benefits to each other reciprocally by a treaty concluded within the framework of the Covenant of the League of Nations and of the treaties existing between them,

And have to this effect nominated for their plenipotentiaries [names omitted]

Who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions

##### Article I

In the event of Poland [Czechoslovakia] or France suffering from a failure to observe the undertakings arrived at this day between them and Germany with a view to the maintenance of general peace France, and reciprocally Poland [Czechoslovakia] acting in application of Article 16 of the Covenant of the League of Nations, undertake to lend each other immediately aid and assistance, if such failure is accompanied by an unprovoked recourse to arms

In the event of the Council of the League of Nations, when dealing with a question brought before it in accordance with the said undertakings being unable to succeed in making its report accepted by all its members other than the representatives of the parties to the dispute, and in the event of Poland [Czechoslovakia] or France being attacked without provocation France, or reciprocally Poland [Czechoslovakia], acting in application of Article 15, paragraph 7, of the Covenant of the League of Nations, will immediately lend aid and assistance

<sup>1</sup> The terms of these treaties are identical.

### Article 2

Nothing in the present Treaty shall affect the rights and obligations of the High Contracting Parties as Members of the League of Nations, or shall be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world

### Article 3

The present Treaty shall be registered with the League of Nations, in accordance with the Covenant

### Article 4

The present Treaty shall be ratified. The ratifications will be deposited at Geneva with the League of Nations at the same time as the ratification of the Treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, and the ratification of the treaty concluded at the same time between Germany and Poland

It will enter into force and remain in force under the same conditions as the said treaties

The present Treaty done in a single copy will be deposited in the archives of the League of Nations, and the Secretary-General of the League will be requested to transmit certified copies to each of the High Contracting Parties

Done at Locarno the 16th October, 1925

## XVI

### GERMANY AND THE U.S.S.R.

#### 1 *Treaty between Germany and the U.S.S.R., Berlin, April 24, 1926*

THE German Government and the Government of the Union of Socialist Soviet Republics, being desirous of doing all in their power to promote the maintenance of general peace,

And being convinced that the interests of the German people and of the peoples of the Union of Socialist Soviet Republics demand constant and trustful co-operation,

Having agreed to strengthen the friendly relations existing between them by means of a special Treaty and have for this purpose appointed as their Plenipotentiaries [names omitted]

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions

#### Article 1

The relations between Germany and the Union of Socialist Soviet Republics shall continue to be based on the Treaty of Rapallo

The German Government and the Government of the Union of Socialist Soviet Republics shall remain in friendly touch in order to promote an understanding with regard to all political and economic questions jointly affecting their two countries

#### Article 2

Should one of the Contracting Parties, despite its peaceful attitude, be attacked by one or more third Powers the other Contracting Party shall observe neutrality for the whole duration of the conflict.

### Article 3

If on the occasion of a conflict of the nature mentioned in Article 2, or at a time when neither of the Contracting Parties is engaged in warlike operations, a coalition is formed between third Powers with a view to the economic or financial boycott of either of the Contracting Parties, the other Contracting Party undertakes not to adhere to such coalition

### Article 4

The present Treaty shall be ratified and the instruments of ratification shall be exchanged at Berlin

It shall enter into force on the date of the exchange of the instruments of ratification and shall remain in force for five years. The two Contracting Parties shall confer in good time before the expiration of this period with regard to the future development of their political relations

In faith whereof the Plenipotentiaries have signed the present Treaty

## 2 *Exchange of Notes, April 24, 1926*

### (a) *Herr Stresemann to M. Krestinski*

With reference to the negotiations upon the Treaty signed this day between the German Government and the Government of the Union of Socialist Soviet Republics, I have the honour, on behalf of the German Government, to make the following observations

(1) In the negotiation and signature of the Treaty, both Governments have taken the view that the principle laid down by them in Article 1, paragraph 2, of the Treaty, of reaching an understanding on all political and economic questions affecting the two countries, will contribute considerably to the maintenance of peace. In any case the two Governments will in their deliberations be guided by the need for the maintenance of the general peace

(2) In this spirit also the two Governments have approached the fundamental questions which are bound up



with the entry of Germany into the League of Nations. The German Government is convinced that Germany's membership of the League cannot constitute an obstacle to the friendly development of the relations between Germany and the Union of Socialist Soviet Republics. According to its basic idea, the League of Nations is designed for the peaceful and equitable settlement of international disputes. The German Government is determined to co-operate to the best of its ability in the realization of this idea. If, however, though the German Government does not anticipate this, there should at any time take shape within the League, contrary to that fundamental idea of peace, any efforts directed exclusively against the Union of Socialist Soviet Republics, Germany would most energetically oppose such efforts.

(3) The German Government also proceeds upon the assumption that this fundamental attitude of German policy towards the Union of Socialist Soviet Republics cannot be adversely influenced by the loyal observance of the obligations, arising out of Articles 16 and 17 of the Covenant of the League and relating to the application of sanctions, which would devolve upon Germany as a consequence of her entry into the League of Nations. By the terms of these articles, the application of sanctions against the Union of Socialist Soviet Republics would come into consideration, in the absence of other causes only if the Union of Socialist Soviet Republics entered upon a war of aggression against a third State. It is to be borne in mind that the question whether the Union of Socialist Soviet Republics is the aggressor in the event of a conflict with a third State could only be determined with binding force for Germany with her own consent and that, therefore, an accusation to this effect levelled by other Powers against the Union of Socialist Soviet Republics and regarded by Germany as unjustified, would not oblige Germany to take part in measures of any kind instituted on the authority of Article 16. With regard to the question whether, in a concrete case, Germany would be in a position to take part in the application of

sanctions at all, and to what extent, the German Government refers to the Note of December 1, 1925, on the interpretation of Article 16 addressed to the German Delegation on the occasion of the signing of the Treaty of Locarno.

(4) In order to create a secure basis for disposing without friction of all questions arising between them, the two Governments regard it as desirable that they should immediately embark upon negotiations for the conclusion of a general treaty for the peaceful solution of any conflicts that may arise between them, when special attention shall be given to the possibilities of the procedure of arbitration and conciliation.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

*(b) M. Krestinski to Herr Stresemann*

In acknowledging receipt of the Note which you have addressed to me with regard to the negotiations on the Treaty signed to-day between the Government of the Union of Socialist Soviet Republics and the German Government, I have the honour, on behalf of the Union of Socialist Soviet Republics, to make the following reply.

(1) In the negotiation and signature of the Treaty, both Governments have taken the view that the principle laid down by them in Article 1, paragraph 2, of the Treaty, of reaching an understanding on all political and economic questions jointly affecting the two countries will contribute considerably to the maintenance of peace. In any case the two Governments will in their deliberations be guided by the need for the maintenance of the general peace.

(2) The Government of the Union of Socialist Soviet Republics takes note of the explanation contained in Sections 2 and 3 of your Note concerning the fundamental questions connected with Germany's entry into the League of Nations.

(3) In order to create a secure basis for disposing without friction of all questions arising between them, the two Governments regard it as desirable that they should immediately embark upon negotiations for the conclusion of a general treaty for the peaceful solution of any conflicts that may arise between them, when special attention shall be given to the possibilities of the procedure of arbitration and conciliation.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration

## XVII

# THE TREATY OF FRIENDSHIP BETWEEN FRANCE AND RUMANIA, PARIS, JUNE 10, 1926

THE President of the French Republic and His Majesty the King of Rumania, being equally desirous of maintaining in Europe that state of peace and political stability which is essential alike for social progress and for economic prosperity in France and Rumania, firmly attached to the principle of respect for international undertakings, as solemnly reaffirmed in the Covenant of the League of Nations, desirous within the framework of that Covenant of ensuring community of action in the event of any attempt to subvert the situation established by the Treaties of which they are signatories, and convinced that it is the duty of modern Governments to prevent any recurrence of war by providing for the pacific settlement of such disputes as may arise between them, have resolved to give one another fresh guarantees of peace, goodwill, and friendship, and have agreed as follows

### Article 1

France and Rumania mutually undertake that they will in no case attack or invade each other or resort to war against each other

This stipulation shall not, however, apply in the case of

- (1) The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the first paragraph of the present Article,
- (2) Action in pursuance of Article 16 of the Covenant of the League of Nations,
- (3) Action as the result of a decision taken by the Assembly or Council of the League of Nations or

in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack

### Article 2

In view of the undertakings entered into in Article 1 of the present Treaty, France and Rumania undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy. Any question with regard to which the Parties are in conflict as to their respective rights shall be submitted to judicial decision, and the Parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two Parties the question shall be brought before the Council of the League of Nations, which will deal with it in accordance with Article 15 of the Covenant of the League.

The detailed arrangements for effecting such peaceful settlement are the subject of a special Convention signed this day

### Article 3

The French and Rumanian Governments undertake, subject to any resolutions that may be passed by the Council or Assembly of the League of Nations, to consult each other in all matters which may threaten the external security of France or Rumania or which may tend to subvert the situation created by the Treaties of Peace of which both Parties are signatories

### Article 4

If, notwithstanding the sincerely peaceful intentions of the French and Rumanian Governments, France or Rumania should be attacked without giving provocation, the two Governments will immediately consult one

another as to the action to be taken by each Party within the framework of the Covenant of the League of Nations, with a view to safeguarding their legitimate national interests and maintaining the order established by the treaties of which both Parties are signatories.

### Article 5

The High Contracting Parties agree to concert their policy in the event of any modification or attempted modification of the political status of the countries of Europe and, subject to such resolutions as may be passed in the matter by the Council or the Assembly of the League of Nations, to confer with one another concerning the attitude to be observed in such an event by each Party

### Article 6

The High Contracting Parties declare that nothing in the present Treaty shall be interpreted as contrary to the provisions of the existing treaties, signed by France or by Rumania, which concern the policy of those countries in Europe. They undertake to consult one another on all questions of European policy with a view to co-ordinated action in the cause of peace, and for this purpose to inform one another in future of any treaties or agreements on this same subject which they may conclude with third Powers and they further undertake that such treaties or agreements shall always be consistent with the maintenance of peace

### Article 7

No provision in this Treaty shall be interpreted or applied in a manner prejudicial to the rights or obligations of the High Contracting Parties under the Covenant of the League of Nations.

## XVIII

# THE BREACH OF DIPLOMATIC RELATIONS BETWEEN GREAT BRITAIN AND THE U.S.S.R.

1 *Sir Austen Chamberlain to M. Rosenholz, May 26, 1927*

SIR,

The recent examination by the police of the premises of 'Arcos' Limited and of the Russian Trade Delegation has conclusively proved that both military espionage and subversive activities throughout the British Empire were directed and carried out from 49, Moorgate. No ostensible differentiation of rooms or duties was observed as between the members of the Trade Delegation and the employees of 'Arcos', and it has been shown that both these organizations have been involved in anti British espionage and propaganda.

2. But the matter does not end there. Your Government and you will recognize the messages which were read by the Prime Minister to the House of Commons last Tuesday. I would remind you that your own telegram, in which you request material to enable you to support a political campaign in this country against His Majesty's Government, was despatched within a few weeks of the warning conveyed to your Government in my note to you of the 23rd February last, adducing specific instances of anti British propaganda and requesting its cessation.

3. His Majesty's Government had hoped that the Soviet Government would take that opportunity, given them in accordance with the provisions of Article 13 of the Trade Agreement, of 'furnishing an explanation or remedying the default'. They did neither, on the contrary, the hostility of the Soviet Government, together with the subversive propaganda carried on by their

associates, the Russian Communist party and the Third International, in the United Kingdom and in British overseas territories, has continued unchecked, to culminate in the abuse of diplomatic privilege revealed by your attempt to interfere in the domestic affairs of this country

4 There are, as I warned you in my note of the 23rd February last, limits to the patience of His Majesty's Government and of public opinion here, and these limits have now been reached. In view of the facts stated above, *His Majesty's Government in Great Britain must now regard themselves, in accordance with the provisions of paragraph 3 of Article 13 of the Trade Agreement of the 16th March, 1921, as free from the obligations of that agreement.* The privileges conferred on M. Khinchuk and his assistants in accordance with the agreement are accordingly terminated, and I have to request their departure from this country.

5 His Majesty's Government, while compelled to take this step for the reasons stated above, do not wish to interfere with the ordinary course of legitimate Anglo-Russian trade, and will therefore place no obstacles in the way of genuine commerce between the two countries. They will raise no objection to the continuance of the *legitimate commercial operations of 'Arcos' Limited in the same conditions as those applicable to other trading organizations in this country, and with this object they are prepared to allow a reasonable number of Russian employees of the company, whose names will be communicated to you, to remain in this country, provided that they comply with the law of the land and confine their activities to legitimate commerce.* But His Majesty's Government cannot suffer the existence here of a privileged organization which, under the guise of peaceful trading, carries on espionage and intrigues against the country in which it is established.

6 Finally, His Majesty's Government have decided that they can no longer maintain diplomatic relations with a Government which permits and encourages such a state of things as has been disclosed. The existing



relations between the two Governments are hereby suspended, and I have to request that you will withdraw yourself and your staff from this country within the course of the next ten days. I am instructing His Majesty's representative at Moscow to leave Russia with his staff, and should be glad if you would request your Government to afford to him, to Mr. Preston at Leningrad and to Mr. Paton at Vladivostok, the necessary facilities for the departure of themselves and their assistants.

7 Suitable arrangements, the details of which will be communicated to you in due course, will be made for the departure from this country of yourself and your staff and of the Russian members of the Trade Delegation.

## 2. *M. Litvinov to Mr. Peters, May 28, 1927*

Sir,

I have the honour to request you to convey the following to your Government:

The Soviet Government has acquainted itself with the contents of the note handed yesterday to citizen Rosenholz in which the announcement is made of the denunciation by the British Government of the Trade Agreement of 1921, and of the severance of diplomatic relations between the Union of Soviet Socialist Republics and Great Britain.

This decision was no surprise to the Soviet Government. It has already for long been aware that a rupture of relations with the Union of Soviet Socialist Republics was being prepared by the whole policy of the present British Conservative Government, which has declined all the proposals of the Soviet Government for the settlement of mutual relations by means of negotiations.

The Soviet Government once again decisively rejects all accusations that it infringed at any time whatever the Trade Agreement of 1921 as quite without proof and entirely groundless. The sole source of these accusations, as has been repeatedly and absolutely incontestably established, is dishonest information drawn from most

suspicious White *émigré* sources and forged documents with which the British Government has willingly operated throughout the whole course of the existence of relations between it and the Soviet Government. The lack of results of the search of the Trade Delegation, which was carried out with the utmost thoroughness over several days, is the most convincing proof of the loyalty and correctitude of the official agents of the Union of Soviet Socialist Republics. The Soviet Government passes over with contempt the insinuations of British Ministers regarding espionage by the Trade Delegation and considers it beneath its dignity to reply to them.

The Soviet Government places on record that the British Government had no legitimate grounds either for the first infringement of the Trade Agreement of 1921 in the form of a police raid on the extra territorial premises of the Soviet official agent or for the second infringement, consisting in denouncing this agreement without the six months' notice provided for therein.

For the whole world it is quite clear that the basic cause of the rupture is the defeat of the policy of the Conservative Government in China and an attempt to cover this defeat by a diversion at the direction of the Soviet Union, while the immediate grounds are the desire of the British Government to distract public attention from the failure of the senseless raid on 'Arcos' and the Trade Delegation and to extract the British Minister of Home Affairs from the dreadful fix into which he has fallen, thanks to that raid.

The Peoples of the Soviet Union and their Government cherish no enmity towards the peoples of the British Empire and wished to maintain with them normal and friendly relations. The peoples of the British Empire undoubtedly desire the same. But the present British Government did not, and does not, want these normal relations and has tried from the very first day of its existence to keep relations with the Soviet Union in a state of constant stress and to exacerbate them still further. The British Government preferred to a system

of normal relations a system of violence and enmity. It has decided on the rupture of diplomatic relations for which it must take the whole responsibility upon itself, taking into full account the shock which this rupture will inevitably cause to existing political and economic international relations. It could not fail to appreciate that the rupture will increase the economic chaos from which Europe has not yet emerged after the world war, and that it will deal a heavy blow to the cause of peace. It decided, however, on this act, sacrificing the interests of the broad masses of the British Empire and even of British industry.

The Soviet Government takes cognizance of this act in the full conviction that it will be condemned not only by the toilers but also by all the progressive elements of the whole world. At the same time it expresses its assurance that the time is near when the British people will find the possibility of realizing without hindrance its strivings for peace and for the establishment of normal friendly relations with the peoples of the Soviet Union.

## XIX

### THE TREATY OF FRIENDLY UNDERSTANDING BETWEEN FRANCE AND YUGOSLAVIA, PARIS, NOVEMBER 11, 1927

THE President of the French Republic and His Majesty the King of the Serbs, Croats, and Slovenes, being equally desirous of maintaining in Europe that state of peace and political stability which is essential for the social advancement and economic prosperity both of France and of the Serb-Croat-Slovene Kingdom,

Being firmly attached to the principle of respect for international undertakings, a principle which has been solemnly confirmed by the Covenant of the League of Nations,

Being desirous, within the framework of the aforesaid Covenant, of ensuring, in advance, the adoption of a common attitude in the event of the order established by the treaties which they have signed being endangered,

And being convinced that it is the duty of modern Governments to prevent a return to war by providing for the pacific settlement of any disputes which may arise between them,

Have resolved, for this purpose, to give each other renewed pledges of peace, understanding and friendship and have appointed as their Plenipotentiaries the following [names omitted]

Who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions

#### Article 1

France and the Kingdom of the Serbs, Croats, and Slovenes reciprocally undertake to refrain from all attacks or invasions directed against one another and in no circumstances to resort to war against one another

Nevertheless, the stipulation shall not apply.

- (1) To the exercise of the right of legitimate defence, that is to say, the right of resisting a violation of the undertaking given in paragraph 1 of the present Article.
- (2) To action undertaken in application of Article 16 of the Covenant of the League of Nations.
- (3) To action undertaken in virtue of a decision by the Assembly or Council of the League of Nations, or in application of paragraph 7 of Article 15 of the Covenant of the League of Nations, provided that, in the latter case, such action is directed against a State which was the first to attack.

### Article 2

Taking into consideration their respective obligations under Article 1 of the present Treaty, France and the Kingdom of the Serbs, Croats, and Slovenes undertake to settle by pacific means and in the following manner all questions whatever which may divide them and which it may not have been possible to settle by the normal methods of diplomacy, all questions regarding which the Parties may be in dispute as to their respective rights shall be submitted to judges, with whose decisions the Parties undertake to comply, all other questions shall be submitted to a Conciliation Commission, and if the arrangement proposed by that Commission is not accepted by both Parties, the question shall be brought before the Council of the League of Nations, which shall decide in accordance with Article 15 of the League Covenant.

The procedure in regard to these methods of pacific settlement is laid down in special conventions which have been signed on this day

### Article 3

The Government of the French Republic and the Royal Government of the Serb-Croat Slovene Kingdom undertake to give joint consideration, subject to any

resolutions adopted by the Council or Assembly of the League of Nations, to questions which are of such a nature as to endanger the external security of France or the Serb-Croat-Slovene State, or to impair the order established by treaties which they have both signed

#### Article 4

If, in spite of the sincerely pacific intentions of the French and Serb-Croat-Slovene Governments, either France or the Kingdom of the Serbs, Croats, and Slovenes should be attacked without provocation, the two Governments shall without delay confer with one another as to the measures which each shall take, within the framework of the Covenant of the League of Nations, in order to safeguard their legitimate national interests and to uphold the order established by the treaties of which they are both signatories

#### Article 5

The High Contracting Parties agree to take counsel together in the event of any modification, or attempted modification, of the political status of European countries and, subject to any resolutions which may be adopted in such case by the Council or Assembly of the League of Nations to come to an understanding as to the attitude which they should respectively observe in such an eventuality

#### Article 6

The High Contracting Parties declare that nothing in this Treaty is to be interpreted as contradicting the stipulations of the treaties at present in force which have been signed by France or the Kingdom of the Serbs, Croats, and Slovenes and which concern their policy in Europe. They undertake to exchange views on questions affecting European policy in order to co-ordinate their efforts in the cause of peace, and for this purpose to communicate to each other henceforward any treaties or agreements which they may conclude with third Powers on the same subject. Such treaties or agreements shall

nvariably be directed to aims which are compatible with the maintenance of peace

### Article 7

Nothing in the present Treaty may be interpreted or applied in such a way as to prejudice the rights and obligations of the High Contracting Parties under the Covenant of the League of Nations

### Article 8

The present Treaty shall be communicated for registration to the League of Nations in conformity with Article 18 of the Covenant.

### Article 9

The present Treaty shall be ratified and the instruments of ratification shall be exchanged in Paris as soon as possible

It shall enter into force immediately upon the exchange of ratifications and shall remain in force for five years, after which it may be renewed in virtue of previous notice, which may have been duly given at the end of the fourth year, and for a period to be determined.

In faith whereof the respective Plenipotentiaries duly authorized for this purpose, have signed the present Treaty and have thereto affixed their seals

## XX

# THE ABOLITION OF THE CAPITULATIONS AND THE ESTABLISHMENT OF TARIFF AUTONOMY IN PERSIA

### 1. *Circular to Foreign Legations at Teheran, May 10, 1927*

SIR,

As Your Excellency knows, His Imperial Majesty, my August Sovereign, has just taken the high decision to annul the consular jurisdictions and the privileges, generally designated under the term of 'capitulations', which foreign nationals enjoy in Persia.

Your Excellency is not unaware that the important changes which have taken place in the situation of this country and in public opinion render the execution of this intention indispensable. The Persian Government has, on the other hand, always respected the treaties and undertakings which it has contracted freely and without constraint, it has refrained, so far as it has been able, from violating them.

Accordingly, I have the honour to inform Your Excellency that my Government denounces the Treaty concluded on        between Persia and        in virtue of Article

of this Treaty, it will be very pleased to learn that the Government of Your Excellency will be disposed to conclude, within one year beginning to-day, during which period the present agreement will remain in force, a new treaty, in order that on May 10, 1928, when the actual agreement will become null and void, the relations of good understanding between our two countries and nations may not be interrupted.

Pray accept, &c



*2 Tariff Treaty between Great Britain and Persia,  
May 10, 1923*

His Imperial Majesty the Shah of Persia and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Sea, Emperor of India,

Desiring to facilitate and extend still further the trade and commerce of their respective countries, and to regulate by means of a further treaty the commercial relations between Persia, on the one side, and Great Britain and Northern Ireland, India, and such other territories under the sovereignty, protection and authority of His Britannic Majesty as he may desire should be bound, on the other side,

Have resolved to conclude a treaty for this purpose and have appointed as their Plenipotentiaries

His Imperial Majesty the Shah of Persia His Excellency Mirza Fatoullah Khan Pakrevan, Acting Minister for Foreign Affairs,

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League of Nations, Sir Robert Henry Clive, KCMG., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Teheran

For India, Sir Robert Henry Clive KCMG., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Teheran

Who having communicated their full powers, found in good and due form have agreed as follows

Article 1

His Britannic Majesty, realizing the importance to Persia of full autonomy in all matters relating to customs duties, and being willing, in view of the relations of friendship between the Governments of the High Contracting Parties, to facilitate the realization of the Shah

*of Persia's wishes in this respect, agrees to the abrogation of all provisions of the existing treaties between the High Contracting Parties, which limit in any way the right of Persia to settle the Persian customs tariff in full autonomy*

## Article 2

*For the duration of the present Treaty, and subject to complete reciprocity, goods, produced or manufactured in any part of His Britannic Majesty's territories to which the present Treaty applies, shall not be subjected on entry into Persia to any customs duty, coefficient, surtax, or import tax whatsoever, other or higher than the minimum duties, coefficients, surtaxes, or import taxes levied on similar goods imported from any foreign country whatever*

*In like manner, for the duration of the present Treaty, and subject to complete reciprocity, goods, produced or manufactured in any part of the Persian Empire and exported to any part of the territories of His Britannic Majesty to which this Treaty applies, shall not on leaving Persia, be subjected to any customs duty, coefficient, surtax, or export tax whatsoever, other or higher than the minimum duties, coefficients, surtaxes, or export taxes levied on similar goods exported to any foreign country whatever*

*Persia, having in virtue of her tariff autonomy established a single legal tariff (prescribing maximum and minimum rates) to be enforced on all her frontiers, and to be applied for a fixed period to those countries with which she has bound herself by a treaty or convention agrees that goods, produced or manufactured in any part of His Britannic Majesty's territories to which this Treaty applies, shall, for the duration of the present Treaty, enjoy the benefit on their entry into Persia of the minimum rates of the Persian autonomous tariff in force*

*His Britannic Majesty agrees for his part that goods produced or manufactured in Persia shall benefit, on their entry into any part of his territories to which this treaty applies, by the minimum tariff in force accorded at any time to the most favoured nation*

It is understood that, if at any time during the period during which this Treaty is in force Persia elects to reduce on any of her frontiers one or more of the minimum rates of this tariff, such reductions will be automatically applied to the goods produced or manufactured in the territories of His Britannic Majesty to which this Treaty applies, by whatever frontier they are imported.

### Article 3

Goods, produced or manufactured in the territories to which this Treaty applies belonging to one of the High Contracting Parties, and regularly imported into the territories to which this Treaty applies belonging to the other High Contracting Party, shall on no account be subjected, after duly paying the duties and charges laid down by the laws of the country as being applicable upon entry to goods of foreign origin to any internal taxation or import taxes other than those imposed on similar articles of local origin or imported from any foreign country whatever.

### Article 6

The present Treaty shall be ratified and the ratifications shall be exchanged at Teheran as soon as possible. It shall come into force immediately upon ratification and shall be binding during eight years from the date of its coming into force.

In case neither of the two High Contracting Parties shall have given notice to the other six months before the expiration of the said period of eight years, of its intention to terminate the present Treaty, it shall remain in force until the expiration of six months from the date on which either of the two High Contracting Parties shall have denounced it.

The present Treaty has been drawn up in Persian and in English pending the preparation of the French text, on which the two High Contracting Parties will agree as soon as possible and which will be authoritative.

In witness whereof, the respective Plenipotentiaries

have signed the present Treaty and affixed thereunto their seals

Done at Teheran, the 10th day of May, 1928

F. PAKREYAN  
R. H. CLIVE

*3. Note respecting the position of British Nationals  
in Persia, May 10, 1928*

IN reply to inquiries addressed to them on the subject, and on the eve of the realization of their resolution to abolish on the 10th May the régime known by the name of the capitulatory régime, the Imperial Persian Government, animated by the wish to dispel possible anxiety on the part of foreign nationals resident in Persia by reason of the novelty of the régime which shall henceforth be applied to them, and desirous of keeping your nationals informed through you of the measures taken by Persian legislation and the Persian Government on their behalf, send you the accompanying decision in order that you may transmit its content to your nationals.

It is unnecessary to inform you that the Persian Government themselves, whose interest and desire it is to obtain for Persian citizens as many guarantees as possible, and with this object in view to establish a judicial system the working of which shall be as nearly perfect as possible, have accomplished very appreciable reforms as to the judicial personnel and the laws of Persia.

Apart from a knowledge of the laws which are known to everybody, a knowledge of law equivalent to that required for a legal diploma is at present an essential condition for any one entering upon a judicial career.

As for the situation of British nationals in Persia resulting from this decision, the following measures taken by the Persian Government will be applied to them as from the 10th May 1928.

1 On the basis of perfect reciprocity, they will be admitted and treated on Persian territory in conformity with the rules and practice of international law, will

enjoy the fullest protection of the laws and the authorities of the country and will benefit by the same treatment as nationals

2. In all civil or commercial cases in which one of the parties is a foreigner, only written evidence will be admitted

In all proceedings, even criminal proceedings, the judgments shall be reduced to writing and will contain the considerations of law and of fact on which they are founded.

Those interested in the proceedings shall have the right to obtain a copy of the evidence and of the judgment, on condition of paying the legal charges

In criminal matters, oral testimony being a normal method of proof, the interests of the accused will be safeguarded, as at present, by the article in the Criminal Code dealing with perjury

3 To the exclusion of all other jurisdiction only the courts and tribunals subordinate to the Ministry of Justice will be competent to deal with cases in which one of the parties is a foreigner

Only the criminal tribunals subordinate to the Ministry of Justice shall generally speaking be able to pronounce a sentence of imprisonment on foreigners

Nevertheless, in the event of the proclamation of martial law, when a case is brought before a special tribunal which has been established that tribunal shall be able to take cognizance of cases in which a foreigner is concerned

Moreover, in fiscal matters and in general in a dispute between an administration and a foreigner relating to a purely administrative matter, the administrative tribunals will retain their competence

4 Foreigners shall in every case be tried only by lay (non-religious) tribunals, and lay laws alone will be applicable to them

5 The ordinary police courts shall only be competent in matters of slight importance and involving only a small fine.

According to the law, the police courts cannot sentence to more than one week's imprisonment

They can only pronounce sentences of imprisonment in cases where the accused himself requests that the fine imposed on him shall be converted into imprisonment. It is clearly understood that they will never sentence foreign nationals to corporal punishment

6 A foreigner arrested while actually engaged in committing a crime shall not be kept in prison for more than twenty four hours without being brought before the competent judicial authority

Unless actually committing some crime, no foreigner will be arrested or imprisoned without a warrant emanating from the competent judicial authority

The private or business premises of a foreigner shall not be forcibly entered or searched without a warrant from the competent judicial authority, with a guarantee against abuses to be determined later

7 Foreigners arrested and imprisoned shall have the right, in conforming with prison regulations, to communicate with their nearest consul, and the consuls or their representatives shall have, in conformity with prison regulations permission to visit them

The governmental authorities shall at once transmit to their destination such requests to communicate with them

8 The Imperial Government has taken into consideration the making of generous provisions for release on bail which shall be compulsory in all cases except cases of crime as it is defined in the Penal Code

The sum demanded as bail shall be reasonably proportioned to the nature of the offence

In cases of appeal the same facilities of bail as those mentioned above shall be given until judgement has been pronounced

9 According to Persian law, trials are, in general, and save in exceptional cases, held in public, and those interested in the cases and in the parties to the cases have therefore the right to be present, save in exceptional

cases, as spectators, without, however, any right to take part in the proceedings.

10 In criminal matters, the accused is absolutely free to choose his counsel, who can be chosen even from his compatriots.

11. The Imperial Government has decided to reform prison conditions in order that these may conform to a greater extent to modern custom, and a sum sufficient to provide a prison at Teheran, which shall fulfil the necessary hygienic conditions, has already been voted.

Pending the provision of other prisons, foreigners who have been condemned to imprisonment for more than one month—imprisonment for one month or less being convertible into a fine—shall be transferred at their request to a prison fulfilling the necessary hygienic conditions.

12. Whereas Persian subjects enjoy in the British Empire most-favoured-nation treatment in questions of personal status, it is understood that in matters of personal status, i.e. all questions relating to marriage, conjugal rights, divorce, judicial separation, dower, paternity, affiliation, adoption, capacity, majority, guardianship, trusteeship, and interdiction, in matters relating to succession to personalty, whether by will or on intestacy, and the distribution and winding up of estates, and family law in general, it is agreed between Persia and Great Britain that, as regards non-Moslem British nationals in Persia, their national tribunals will alone have jurisdiction. As regards British Moslem subjects, Moslem religious law in conformity with the Persian code will be applied to them in matters of personal status until the question is definitely settled.

The present stipulation does not affect the special attributions of consuls in matters of status in accordance with international law, or special agreements which may be concluded, nor the right of Persian courts to request and receive evidence respecting matters acknowledged above as being within the competence of the national tribunals or authorities of the parties concerned.

By way of exception to the first paragraph of this Article, the Persian courts will also have jurisdiction in the matters referred to therein, if all the parties to the case submit in writing to the jurisdiction of the said courts. In such case the Persian courts will apply the national law of the parties.

13 In matters of taxation, foreign nationals shall be treated on a footing of equality with Persian subjects and shall not be compelled to pay, under any pretext whatever, imposts, taxation or any other fiscal dues which Persian subjects are not compelled to pay.

14 In judicial matters all judgements given by the former tribunals, even if they have not been put into execution shall be considered as definitely settled, and in no case be reopened, in the same way every final judgement given by the former tribunals is recognized as one to be put into execution. Generally speaking, all cases concluded under the former judicial régime are considered as definitely settled and shall in no case be reopened.

Cases not finished in the tribunal of the Ministry for Foreign Affairs and in the courts of provincial Governors shall be finished before these tribunals, unless a foreign national requests, before the end of the discussions, to transfer the proceedings to the Court of Justice.

The period allowed by the Imperial Government for finishing cases unfinished by those tribunals is at the latest until May 10, 1929.

15 All questions relating to security for costs, execution of judgement, service of judicial and extra judicial documents, commissions rogatoires, orders for the payment of costs and expenses, free judicial assistance and imprisonment for debt are left to be regulated by separate conventions to be concluded between Persia and Great Britain.

16 Seeing that in civil or commercial matters Persian law allows arbitration and clauses in agreements providing therefor, and since arbitral decisions rendered in pursuance thereof shall be executed on order of the



President of the Court of first instance, who is obliged to issue that order unless the decision should be contrary to public order, it is clear that foreign nationals will be in complete enjoyment of this legal arrangement

17 As regards immovable property, it is understood that British subjects are permitted as in the past to acquire, occupy, or possess such property on Persian soil as is necessary for their dwelling and for the exercise of their commerce and industry

18 British subjects cannot be arrested or suffer restraint in their individual liberty in order that civil claims of a pecuniary nature against them may be provisionally safe, except where there would seem to be a serious risk that distraint to be made owing to any act on the part of a debtor, upon the debtor's possessions which are actually in Persia, would not be effective and could not otherwise be assured

## XXI

### THE KELLOGG PACT

#### 1. *The Treaty for the Renunciation of War, Paris, August 27, 1928*

THE President of the German Reich,

The President of the United States of America;

The President of the French Republic,

His Majesty the King of the Belgians,

His Majesty the King of Great Britain, Ireland, and the  
British Dominions beyond the Seas, Emperor of India;

His Majesty the King of Italy,

His Majesty the Emperor of Japan,

The President of the Republic of Poland;

The President of the Czechoslovak Republic,

Deeply sensible of the solemn duty to promote the  
welfare of mankind,

Persuaded that the time has come when a frank  
renunciation of war as an instrument of national policy  
should be made, to the end that the peaceful and friendly  
relations now existing between their peoples may be  
perpetuated,

Convinced that all changes in their relations with one  
another should be sought only by pacific means and be  
the result of a peaceful and orderly process, and that  
any signatory Power which shall hereafter seek to pro-  
mote its national interests by resort to war should be  
denied the benefits furnished by this Treaty,

Hopeful, that, encouraged by their example, all the  
other nations of the world will join in this humane  
endeavour and, by adhering to the present Treaty as  
soon as it comes into force, bring their peoples within the  
scope of its beneficent provisions, thus uniting the civil-  
ized nations of the world in a common renunciation of  
war as an instrument of their national policy,

Have decided to conclude a treaty and for that

purpose have appointed as their respective plenipotentiaries:

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland and all parts of the British Empire, which are not separate Members of the League of Nations:

For the Dominion of Canada:

For the Commonwealth of Australia:

For the Dominion of New Zealand:

For the Union of South Africa:

For the Irish Free State:

For India:

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

### Article 1

The High Contracting Parties solemnly declare, in the names of their respective peoples, that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

### Article 2

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

### Article 3

The present Treaty shall be ratified by the High Contracting Parties named in the Preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their

several instruments of ratification shall have been deposited at Washington.<sup>1</sup>

This Treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at Washington, and the Treaty shall, immediately upon such deposit, become effective as between the Power thus adhering and the other Power parties hereto.

It shall be the duty of the Government of the United States to furnish each Government named in the Preamble, and every Government subsequently adhering to this Treaty, with a certified copy of the Treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of the United States telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

In faith whereof the respective plenipotentiaries have signed this Treaty in the French and English languages, both texts having equal force, and hereunto affix their seals.

Done at Paris the twenty-seventh day of August in the year one thousand nine hundred and twenty-eight.

## 2 *Sir Austen Chamberlain to the United States Ambassador, May 19, 1928*

The language of Article I, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your Excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions cannot be suffered. Their protection against attack is to the British Empire a measure of

<sup>1</sup> The Treaty came into force on July 24, 1929.

self-defence. It must be clearly understood that His Majesty's Government in Great Britain accept the new Treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests, any disregard of which by a foreign Power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

## XXII

# THE GENERAL ACT FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DIS- PUTES, ADOPTED BY THE NINTH ASSEMBLY OF THE LEAGUE OF NATIONS, SEPTEMBER 1928

### CHAPTER I

#### *Conciliation*

##### Article 1

DISPUTES of every kind between two or more Parties to the present General Act which it has not been possible to settle by diplomacy shall, subject to such reservations as may be made under Article 39, be submitted, under the conditions laid down in the present Chapter, to the procedure of conciliation

##### Article 2

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the Parties to the dispute

##### Article 3

On a request to that effect being made by one of the Contracting Parties to another Party, a permanent Conciliation Commission shall be constituted within a period of six months

##### Article 4

Unless the Parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows

(1) The Commission shall be composed of five members. The Parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be

appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the Parties. The Parties shall appoint the President of the Commission from among them.

(2) The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the Parties. Either Party may, however, at any time replace a commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

(3) Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

### Article 5

If, when a dispute arises, no Permanent Conciliation Commission appointed by the Parties is in existence, a special Commission for the examination of the dispute shall be appointed within a period of three months from the date on which one of the Parties requested the other Party to constitute such a Commission. The appointment should be made in the manner laid down in the preceding article unless the parties decide otherwise.

### Article 6

(1) If the appointment of the commissioners to be designated jointly is not made within the period provided for in Articles 3 and 5 the making of the necessary appointment shall be entrusted to a third Power, chosen by agreement between the Parties, or on request of the Parties, by the Acting President of the Council of the League of Nations.

(2) If no agreement is reached on either of these procedures, each Party shall designate a different Power, and

the appointment shall be made in concert by the Powers thus chosen

(3) If, within a period of three months, the two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed

### Article 7

(1) Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two Parties acting in agreement, or in default thereof by one or other of the Parties

(2) The application after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution

(3) If the application emanates from only one of the Parties, the other Party shall, without delay, be notified by it,

### Article 8

(1) Within fifteen days from the date on which a dispute has been brought by one of the Parties before a permanent Conciliation Commission, either Party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter

(2) The Party making use of this right shall immediately notify the other Party the latter shall, in such case, be entitled to take similar action within fifteen days from the date on which it received the notification

### Article 9

(1) In the absence of any agreement to the contrary between the Parties, the Conciliation Commission shall meet at the seat of the League of Nations, or at some other place selected by its President

(2) The Commission may in all circumstances request



the Secretary-General of the League of Nations to afford it his assistance

### Article 10

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the Parties

### Article 11

(1) In the absence of any agreement to the contrary between the Parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both Parties being heard. In regard to inquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes

(2) The Parties shall be represented before the Conciliation Commission by agents, whose duty shall be to act as intermediaries between them and the Commission, they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

(3) The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel, and experts of both Parties as well as from all persons it may think desirable to summon with the consent of their Governments

### Article 12

Unless otherwise agreed by the Parties, the decisions of the Conciliation Commission shall be taken by a majority vote, and the Commission may only take decisions on the substance of the dispute if all its members are present

### Article 13

The Parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it

to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question

#### Article 14

(1) During the proceedings of the Commission, each of the commissioners shall receive emoluments the amount of which shall be fixed by agreement between the Parties, each of which shall contribute an equal share

(2) The general expenses arising out of the working of the Commission shall be divided in the same manner

#### Article 15

(1) The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavour to bring the Parties to an agreement. It may, after the case has been examined, inform the Parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision

(2) At the close of its proceedings the Commission shall draw up a *procès-verbal* stating, as the case may be, whether that the Parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the *procès-verbal* of whether the Commission's decisions were taken unanimously or by a majority vote.

(3) The proceedings of the Commission must, unless the Parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognizance of the dispute

#### Article 16

The Commission's *procès-verbal* shall be communicated without delay to the Parties. The Parties shall decide whether it shall be published

## CHAPTER II

*Judicial Settlement*

## Article 17

All disputes with regard to which the Parties are in conflict as to their respective rights shall, subject to any reservations which may be made under Article 39, be submitted for decision to the Permanent Court of International Justice, unless the Parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal. It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.

## Article 18

If the Parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected, and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes, shall apply so far as is necessary. If nothing is laid down in the special agreement as to rules regarding the substance of the dispute to be applied by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

## Article 19

If the Parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators, either Party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

## Article 20

(1) Notwithstanding the provisions of Article 1, disputes of the kind referred to in Article 17 arising between Parties who have acceded to the obligations contained in the present chapter shall only be subject to the procedure of conciliation if the Parties so agree

(2) The obligation to resort to the procedure of conciliation remains applicable to disputes which are excluded from judicial settlement only by the operation of reservations under the provisions of Article 39

(3) In the event of recourse to and failure of conciliation, neither Party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Article 18 before the expiration of one month from the termination of the proceedings of the Conciliation Commission

## CHAPTER III

*Arbitration*

## Article 21

Any dispute not of the kind referred to in Article 17 which does not, within the month following the termination of the work of the Conciliation Commission provided for in Chapter I, form the object of an agreement between the Parties, may, subject to such reservations as may be made under Article 39, be brought before an arbitral tribunal which, unless the Parties otherwise agree, shall be constituted in the manner set out below

## Article 22

The Arbitral Tribunal shall consist of five members. The Parties shall each nominate one member, who may be chosen from among their respective nationals. The two other arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers. They must be of different nationalities and must not be habitually resident in the territory nor be in the service of the Parties concerned

## Article 23

(1) If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the Parties requested the other Party to constitute an arbitral tribunal, a third Power, chosen by agreement between the Parties, shall be requested to make the necessary appointments.

(2) If no agreement is reached on this point, each Party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

(3) If, within a period of three months, the two Powers so chosen have been unable to reach an agreement, the necessary appointment shall be made by the President of the Permanent Court of International Justice. If the latter is prevented from acting or is subject of one of the Parties, the nomination shall be made by the Vice-President. If the latter is prevented from acting or is a subject of one of the Parties, the appointment shall be made by the oldest member of the Court who is not a subject of either Party.

## Article 24

Vacancies which may occur as a result of death, resignation, or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

## Article 25

The Parties shall draw up a special agreement determining the subject of the disputes and the details of procedure.

## Article 26

In the absence of sufficient particulars in the special agreement regarding the matters referred to in the preceding article, the provisions of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary.

## Article 27

Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal was constituted, the dispute may be brought before the Tribunal by an application by one or other Party.

## Article 28

If nothing is laid down in the special agreement or no special agreement has been made, the Tribunal shall apply the rules in regard to the substance of the disputes enumerated in Article 38 of the Statute of the Permanent Court of International Justice. In so far as there exists no such rule applicable to the dispute, the Tribunal shall decide *ex aequo et bono*.

## CHAPTER IV

*General Provisions*

## Article 29

(1) Disputes for the settlement of which a special procedure is laid down in other conventions in force between the Parties or the dispute shall be settled in conformity with the provisions of those conventions.

(2) The present General Act shall not affect any agreements in force by which conciliation procedure is established between the Parties or they are bound by obligations to resort to arbitration or judicial settlement which may ensure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation, after such procedure has been followed without result, the provisions of the present General Act concerning judicial settlement or arbitration shall be applied in so far as the Parties have acceded thereto.

## Article 30

If a Party brings before a Conciliation Commission a dispute which the other Party, relying on conventions in

force between the Parties, has submitted to the Permanent Court of International Justice or an Arbitral Tribunal, the Commission shall defer consideration of the dispute until the Court or the Arbitral Tribunal has pronounced upon the conflict of competence. The same rule shall apply if the Court or the Tribunal is seized of the case by one of the Parties during the conciliation proceedings.

### Article 31

(1) In the case of a dispute the occasion of which, according to the municipal law of one of the Parties, falls within the competence of its judicial or administrative authorities, the Party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present General Act until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

(2) In such a case, the Party which desires to resort to the procedures laid down in the present General Act must notify the other Party of its intention within a period of one year from the date of the aforementioned decision.

### Article 32

If, in a judicial sentence or arbitral award, it is declared that a judgement, or a measure enjoined by a court of law or any other authority of one of the Parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that Party does not permit or only partially permits the consequences of the judgement or measure in question to be annulled, the Parties agree that the judicial or arbitral award shall grant the injured Party equitable satisfaction.

### Article 33

(1) In all cases where a dispute forms the object of arbitration or judicial proceedings and particularly if the question on which the Parties differ arises out of acts already committed or on the point of being committed,

the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal shall lay down within the shortest possible time the provisional measures to be adopted. The Parties to the dispute shall be bound to accept such measures.

(2) If the dispute is brought before a Conciliation Commission, the latter may recommend to the Parties the adoption of such provisional measures as it considers suitable.

(3) The Parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

#### Article 34

Should a dispute arise between more than two Parties to the present General Act, the following rules shall be observed for the application of the forms of procedure described in the foregoing provisions.

(a) In the case of conciliation procedure, a special commission shall invariably be constituted. The composition of such commission shall differ according as the Parties all have separate interests or as two or more of their number act together.

In the former case, the Parties shall each appoint one commissioner and shall jointly appoint commissioners nationals of third Powers not parties to the dispute, whose numbers shall always exceed by one the number of commissioners appointed separately by the Parties.

In the second case the Parties who act together shall appoint their commissioner jointly by agreement between themselves and shall combine with the other Party or Parties in appointing third commissioners.

In either event, the Parties, unless they agree otherwise, shall apply Article 5 and the following articles of the present Act, so far as they are compatible with the provisions of the present article.



(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal in the case of the disputes mentioned in Article 17 each Party shall have the right, by means of an application, to submit the dispute to the Permanent Court of International Justice, in the case of the disputes mentioned in Article 21, the above Article 22 and following articles shall apply, but each Party having separate interests shall appoint one arbitrator and the number of arbitrators who are subjects of Powers not Parties to the dispute shall always be one more than the number of arbitrators separately appointed by the Parties

### Article 35

(1) The present General Act shall be applicable as between the Parties thereto, even though a third Power, whether a Party to the Act or not, has an interest in the dispute.

(2) In conciliation procedure, the Parties may agree to invite such third Power to intervene

### Article 36

(1) In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the arbitral tribunal a request to intervene as a third Party

(2) It will be for the Court or the tribunal to decide upon this request

### Article 37

(1) Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar of the Permanent Court of International Justice or the arbitral tribunal shall notify all such States forthwith

(2) Every State so notified has the right to intervene in the proceedings but, if it uses this right, the construction given by the decision will be binding upon it

### Article 38

*Accessions to the present General Act may extend*

A Either to all the provisions of the Act (Chapters I II, III and IV),

B Or to those provisions only which relate to conciliation and judicial settlement (Chapters I and II), together with the general provisions dealing with these procedures (Chapter IV),

C Or to those provisions only which relate to conciliation (Chapter I), together with the general provisions concerning that procedure (Chapter IV)

The Contracting Parties may benefit by the accessions of other Parties only in so far as they have themselves assumed the same obligations

### Article 39

(1) In addition to the power given in the preceding Article, a Party in acceding to the present General Act, may make his acceptance conditional upon the reservations exhaustively enumerated in the following paragraph These reservations must be indicated at the time of accession

(2) These reservations may be such as to exclude from the procedure described in the present Act

(a) Disputes arising out of facts prior to the accession either of the Party making the reservation or of any other Party with whom the said Party may have a dispute

(b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States

(c) Disputes concerning particular cases or clearly specified subject matters, such as territorial status, or disputes falling within clearly specified categories

(3) If one of the Parties to a dispute has made a

reservation, the other Parties may enforce the same reservation in regard to that Party

(4) In the case of Parties who have acceded to the provisions of the present General Act relating to judicial settlement or to arbitration, such reservations as they may have made shall, unless otherwise expressly stated, be deemed not to apply to the procedure of conciliation.

#### Article 40

A party whose accession has been only partial, or was made subject to reservations, may at any moment, by means of a simple declaration, either extend the scope of his accession or abandon all or part of his reservations.

#### Article 41

Disputes relating to the interpretation or application of the present General Act, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

#### Article 42

The present General Act, of which the French and English texts shall both be authentic, shall bear to-day's date

#### Article 43

(1) The present General Act shall be open to accession by all the Heads of States or other competent authorities of the Members of the League of Nations and the non-Member States to which the Council of the League of Nations has communicated a copy for this purpose

(2) The instruments of accession and the additional declarations provided for by Article 40 shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non Member States referred to in the preceding paragraph

(3) The Secretary-General of the League of Nations

shall draw up three lists, denominated respectively by the letters A, B and C, corresponding to the three forms of accession to the present Act provided for in Article 38, in which shall be shown the accessions and additional declarations of the Contracting Parties. These lists which shall be continually kept up to date, shall be published in the annual report presented to the Assembly of the League of Nations by the Secretary-General.

#### Article 44

(1) The present General Act shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the accession of not less than two Contracting Parties.

(2) Accessions received after the entry into force of the Act, in accordance with the previous paragraph shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations. The same rule shall apply to the additional declarations provided for by Article 40.

#### Article 45

(1) The present General Act shall be concluded for a period of five years, dating from its entry into force.

(2) It shall remain in force for further successive periods of five years in the case of Contracting Parties which do not denounce it at least six months before the expiration of the current period.

(3) Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non Member States referred to in Article 43.

(4) A denunciation may be partial only, or may consist in notification of reservations not previously made.

(5) Notwithstanding denunciation by one of the Contracting Parties concerned in a dispute, all proceedings pending at the expiration of the current period of the General Act shall be duly completed.

## Article 46

A copy of the present General Act, signed by the President of the Assembly and by the Secretary-General of the League of Nations, shall be deposited in the archives of the Secretariat, a certified true copy shall be delivered by the Secretary-General to all the Members of the League of Nations and to the non-Member States indicated by the Council of the League of Nations

## Article 47

The present General Act shall be registered by the Secretary-General of the League of Nations on the date of its entry into force <sup>1</sup>

<sup>1</sup> For the terms of the British accession see *Speeches and Documents on the British Dominions 1918-1931* pp 435-41.

## XXIII

# THE TREATY OF CONCILIATION BETWEEN THE U S S R AND GERMANY, MOSCOW, JANUARY 24, 1929

THE Central Executive Committee of the Union of Soviet Socialist Republics and the President of the German Reich, animated by a desire to strengthen the friendly relations which exist between the two countries, have decided, in execution of the Agreement reached in the exchange of Notes of April 24, 1926, to conclude an agreement for a procedure of conciliation, and with this object have appointed their plenipotentiaries

The Central Executive Committee of the Union of Soviet Socialist Republics

*Herr Maxim Litvinov*, member of the Central Executive Committee of the Union of Soviet Socialist Republics, *People's Commissar ad Interim for Foreign Affairs*, and

The President of the German Reich

*The German Ambassador in Moscow*,  
*Dr. Herbert von Dirksen*,

who after communicating their full powers, found in good and due form, have agreed upon the following terms

### Article I

Disputes of all kinds, particularly differences of opinion which arise regarding the interpretation of the bilateral treaties which exist between the two Contracting Parties or regarding past or future agreements concerning their elucidation or execution, shall, in the event of difficulties arising over their solution through diplomatic channels, be submitted to a procedure of conciliation in accordance with the following provisions

## Article 2

The procedure of conciliation shall be before a Commission of Conciliation

The Commission of Conciliation shall not be permanent, but shall be formed expressly for each meeting. It shall meet once a year in the middle of the year, in ordinary session, the exact date of which shall be arranged each year by agreement between the two Governments.

There shall be extraordinary sessions whenever in the opinion of the two Governments special need arises

The meetings of the Commission of Conciliation shall be held alternately in Moscow and Berlin. The place of the first meeting shall be decided by lot

A session shall ordinarily last not longer than fourteen days.

## Article 3

For each meeting each Government shall appoint two members of the Commission of Conciliation

At each meeting the chair shall be taken by one of the members of that country in whose territory the meeting is taking place

Either Party shall have the right on occasion to send experts to discuss one or other of the questions on the Agenda, who shall be empowered to speak during the session of the Commission of Conciliation

## Article 4

Not later than fourteen days before the date of the meeting of the ordinary session of the Commission of Conciliation, each of the two Parties shall communicate to the other, through the ordinary diplomatic channels, a list of the questions which it wishes to discuss at that session

In the event of a proposal to convene an extraordinary session the Government which shall have made the proposal shall explain to the other Government the special circumstances underlying the proposal. The Commission

shall meet at the latest within one month of the communication of the proposal

### Article 5

The task of the Commission of Conciliation shall be to submit to the two Governments a solution of the questions laid before it which shall be fair and acceptable to both Parties, with special regard to the avoidance of possible future differences of opinion between the two Parties on the same questions

Should the Commission of Conciliation in the course of a session fail to agree upon a recommendation regarding any question on the Agenda, the question shall be laid before an extraordinary Session of the Commission of Conciliation, which must, however, meet not later than four months after the first meeting. Otherwise the matter shall be dealt with through diplomatic channels

The results of each session of the Commission of Conciliation shall be submitted to the two Governments for approval in the form of a Report

The Report, or parts of it, shall be published only by agreement between the two Governments

### Article 6

Further details of procedure shall be settled, as required, by the Commission of Conciliation itself

### Article 7

Both Parties undertake to provide the Commission with all the necessary material, and to further and facilitate in every way the fulfilment of its task.

### Article 8

Both Parties undertake to refrain from any act which may unfavourably prejudice the work of the Commission of Conciliation upon a particular question. They declare themselves expressly prepared to consider the adoption of special measures to further this object



## Article 9

This Agreement shall be ratified. The exchange of ratifications shall take place in Berlin.<sup>1</sup>

This Agreement shall come into force on the day of the exchange of the instruments of ratification. It shall remain in operation for a period of three years.

## Article 10

This Agreement shall be drawn up in Russian and German. Both texts shall have the same force.

In faith whereof the above-mentioned Plenipotentiaries have signed this Agreement and have attached their seals thereto.

Done at Moscow in two copies on the twenty-fifth day of January, Nineteen hundred and twenty-nine.

LS M. LITVINOV.

LS VON DRASEN

<sup>1</sup> Ratifications were exchanged on April 12, 1929.

## XXIV

# INTERNATIONAL AGREEMENT ON THE EVACUATION OF THE RHINELAND TERRI- TORY, THE HAGUE, AUGUST 30, 1929

THE undersigned duly authorized

Having taken note of the Notes annexed hereto which have been exchanged between the Belgian, British, and French Governments of the one part and the German Government of the other part with a view to the evacuation of the Rhineland territory occupied by the Belgian, British, and French troops,

Note the agreement which has been arrived at on this question Note, also, that in order to facilitate in the common interest a friendly and practical settlement of any difficulty which may arise between Belgium and Germany or between France and Germany concerning the observance of Articles 42 and 43 of the Treaty of Versailles, the German, Belgian, and French Governments have agreed that the task of settling amicably any such difficulty shall be accomplished by the Commissions set up under the Arbitration Agreements concluded at Locarno on October 16, 1925, by Belgium and by France with Germany These commissions will act in conformity with the procedure laid down and with the rights accruing under these conventions

If any such difficulty should arise, it will be submitted either to the Belgo-German Conciliation Commission or to the Franco-German Conciliation Commission according to whether the difficulty arises between Belgium and Germany or between France and Germany

This agreement does not in any way affect the general provisions applicable in such cases and in particular is subject to the reservation that the powers of the Council and Assembly of the League of Nations to make investigations under Article 213 of the Treaty of Versailles

remain intact. It is also subject to the understanding that each of the Powers who signed the Treaty concluded at Locarno on October 16, 1925, between Germany, Belgium, France, Great Britain, and Italy retains the right to lay any difficulty at any time before the Council of the League of Nations in conformity with Article 4 of that Treaty.

The present agreement and the arrangements relating to the acceptance in principle of the Plan of June 7, 1929, are mutually interdependent.

Done at The Hague, the 30th day of August, 1929.

STRESEMANN  
PAUL HYMANS  
DINO GRANDI

ARTHUR HENDERSON  
ARISTIDE BRIAND

*Text of Joint Note to Dr. Stresemann,<sup>1</sup>  
August 30, 1929*

Your Excellency,

In the course of the proceedings of the Political Commission of the Conference at The Hague the three Occupying Powers have agreed to begin the evacuation of the Rhineland during the month of September on the conditions laid down in the attached Notes. The withdrawal of the Belgian and British forces will be completed within three months of the date on which the operation of evacuation begins. The French forces will evacuate the Second Zone within the same period. The evacuation of the Third Zone by the French troops will begin immediately after the Young Plan is ratified by the German and French Parliaments and put into operation. It will proceed without interruption as rapidly as conditions permit, and in any case will be completed at the latest in a period of eight months terminating not later than the end of June 1930.

In order to enable the Belgian, British, and French troops to complete the evacuation within the periods indicated above, it is necessary that the Government of

<sup>1</sup> Herr Stresemann's reply merely confirmed this arrangement.

the Reich should take the measures laid down in the annexed Notes mentioned above. We should be greatly indebted to Your Excellency if you would let us know if you are in agreement with regard to these measures.

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

PAUL HYMANS  
ARTHUR HENDERSON  
ARISTIDE BRIAND

# THE RESUMPTION OF DIPLOMATIC RELATIONS BETWEEN GREAT BRITAIN AND THE U S S R

*M Sokolnikoff to Mr Henderson, December 20, 1929*

SIR,

By clause 7 of the Protocol signed on October 3 last by the Soviet Ambassador in Paris on behalf of the Government of the Union of Soviet Socialist Republics and His Majesty's Principal Secretary of State for Foreign Affairs on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, both Governments engaged themselves to confirm the pledge with regard to propaganda contained in Article 16 of the General Treaty signed on August 8, 1924, between the Union of Soviet Socialist Republics and Great Britain and Northern Ireland

The terms of that Article were as follows

The contracting parties solemnly affirm their desire and intention to live in peace and amity with each other, scrupulously to respect the undoubted right of a State to order its own life within its own jurisdiction in its own way, to refrain and to restrain all persons and organizations under their direct or indirect control, including organizations in receipt of financial assistance from them, from any act overt or covert liable in any way whatsoever to endanger the tranquility or prosperity of any part of the territory of the British Empire or the Union of Soviet Socialist Republics, or intended to embitter the relations of the British Empire or the Union with their neighbours or any other countries

It was further agreed that effect should be given to this clause of the aforesaid protocol not later than the day on which the respective Ambassadors presented their credentials

Having this day presented to His Royal Highness the

## 182 RESUMPTION OF DIPLOMATIC RELATIONS

Prince of Wales the letters accrediting me as Ambassador of the Union of Soviet Socialist Republics to His Majesty the King, I have the honour, by the direction of the People's Commissary for Foreign Affairs and on behalf of the Government of the Union of Soviet Socialist Republics, to confirm the undertaking contained in the Article quoted above, and to inform you that the Government of the Union of Soviet Socialist Republics regard that undertaking as having full force and effect as between themselves and His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of India

I am instructed to add that the Government of the Union of Soviet Socialist Republics will be happy to receive, in accordance with clause 7 of the Protocol of October 3, a corresponding declaration from His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of India <sup>1</sup>

I have, &c.

*G. SOKOLNIKOFF*

<sup>1</sup> This declaration was made in a Note of the same date addressed by Mr Henderson to M. Sokolnikoff

## XXVI

### EXTRA-TERRITORIAL RIGHTS IN CHINA

#### 1. *Aide-mémoire handed to the Chinese Minister, December 20, 1929*

His Majesty's Government in the United Kingdom have had under consideration the position which has arisen in consequence of the note addressed to them by the Chinese Government on the 27th April last and the subsequent correspondence on the subject of the proposed modifications in the present system of extra-territoriality in China. His Majesty's Government are aware of official and semi-official declarations on the part of the Chinese Government, which they interpret as indicating the earnest desire of the Chinese Government that substantial progress should be made before the 1st January, 1930, if not with the actual process of abolition of extra-territoriality, at any rate with serious negotiations having in view the initiation of that process in the immediate future.

His Majesty's Government, animated by a desire to meet the wishes of the Chinese Government in a liberal and sympathetic spirit, sought to elicit from them concrete proposals which might serve as a basis for detailed negotiations. When it became apparent that the Chinese Government felt some difficulty in putting forward concrete proposals for preliminary study, His Majesty's Government hoped that the common purpose which both Governments had in view might best be served if discussions could be initiated before the end of the year between His Majesty's Minister in Peking and the Chinese Minister for Foreign Affairs in Nanking. It was their intention that Sir M. Lampson should proceed to Nanking for that purpose, but unfortunately the outbreak of civil war over a wide area in China made it impossible to carry that intention into effect.

The intricate readjustments that will be necessary,

both in the legal and administrative spheres, in a gradual and progressive solution of the problem of extra-territoriality such as is contemplated by both Governments can only be effected as a result of negotiations conducted in a friendly and unprejudiced atmosphere. It would be a grave misfortune were anything to occur to prevent such negotiations from being initiated or from being carried to a satisfactory conclusion. The Chinese Government themselves will realize that any attack upon the legal rights of British subjects or the interests which they have built up, with benefit to China as well as themselves, in the course of nearly a hundred years on the faith of solemn treaty stipulations, would confront His Majesty's Government with a serious responsibility, as such an attack would be gravely prejudicial to the prospects of negotiating a friendly solution of an intricate problem.

His Majesty's Government desire to do their utmost to create a favourable atmosphere for negotiations. No responsibility attaches to them for the political conditions in China which have prevented the commencement of serious discussions. They deplore the fact that this step has been prevented by such conditions, and they appreciate the difficulties with which, in view of the prominence which has been given to the particular date of the 1st January, 1930, the Chinese Government may be faced should that date arrive without any visible progress having been made with the detailed consideration of the problem of extra-territoriality. His Majesty's Government are therefore willing to agree that the 1st January, 1930, should be treated as the date from which the process of the gradual abolition of extra-territoriality should be regarded as having commenced in principle, and would have no objection to any declaration conformable with that attitude which the Chinese Government may think it desirable to issue. His Majesty's Government are ready to enter into detailed negotiations, as soon as political conditions in China render it possible to do so, with a view to agreeing on a method and a programme for carrying abolition of extra-territoriality



into effect by gradual and progressive stages to the mutual satisfaction of both Governments

## 2. *Aide-mémoire from the Chinese Minister, December 24, 1929*

THE Chinese Minister is instructed to state that, with reference to the *aide-mémoire* handed to him by the Right Honourable Mr A. Henderson on the 20th instant, the Chinese Government deeply appreciate the liberal and sympathetic spirit in which the British Government are prepared to enter into negotiations for the abolition of extraterritoriality. It is only to be regretted if no detailed plan, as the result of such negotiations, can be agreed upon before the end of the year, which is fast approaching. In view of the earnest desire and insistent demand of our people for the immediate abolition of extraterritoriality, the Chinese Government regard as most timely and conducive to the promotion of friendly feelings the statement of the British Government that the process of the abolition of extraterritoriality should be regarded as having commenced in principle on the 1st January, 1930, and that any declaration in that light the Chinese Government may think it desirable to issue would not be objectionable to the British Government.

## 3. *Mandate issued by the Chinese Government, December 28, 1929*

IN every full sovereign State foreigners as well as its nationals are equally amenable to its laws and to the jurisdiction of its tribunals. This is an essential attribute to State sovereignty and a well-established principle of international law.

For more than eighty years China has been bound by systematic extra territoriality which has prevented the Chinese Government from exercising its judicial power over foreigners within its territory. It is unnecessary to state here the defects and disadvantages of such a system. As long as extra-territoriality is not abolished so long will

China be unable to exercise her full sovereignty For the purpose of restoring her inherent jurisdictional sovereignty it is hereby decided and declared that on and after the first day of the first month of the nineteenth year of the Republic (the 1st January, 1930), all foreign nationals in the territory of China who are now enjoying extra-territorial privileges shall abide by the laws, ordinances, and regulations duly promulgated by the central and local Governments of China The executive yuan and juridical yuan are hereby ordered to instruct the Ministries concerned to prepare as soon as possible a plan for the execution of this mandate, and to submit it to the legislative yuan for examination and deliberation with a view to its promulgation and enforcement.

#### 4 *Aide-mémoire to the Chinese Minister, January 1, 1930*

His Majesty's Government have had under consideration the mandate issued by the Chinese Government on the 28th December on the subject of extra territoriality His Majesty's Government assume that in issuing this mandate it was the intention of the Chinese Government to make a declaration of the character indicated in the final paragraph of the British *aide mémoire* of the 20th December They have, therefore, authorized His Majesty's Minister to accept the invitation extended to him by the Minister for Foreign Affairs to enter into detailed negotiations on the subject, and they understand that His Majesty's Minister is preparing to leave for Nanking on the 2nd January His Majesty's Government wish to take this opportunity of emphasizing the great importance which they attach to the considerations set forth in the third paragraph of their *aide mémoire* of the 20th December It is of the utmost importance that no untoward incidents should occur to imperil the smooth course of the negotiations about to be initiated His Majesty's Government, therefore, fully expect that the Chinese Government will issue strict orders to all provin-

cial and local officials that in accordance with the practice of civilized nations the treaty stipulations affecting the status and privileges of British subjects are to be regarded as continuing in full vigour and effect until modifications in the treaties in question have been agreed to as a result of negotiations.

## XXVII

### SINO-BRITISH CONVENTION FOR THE RESTORATION OF WEIHAIWEI, APRIL 18, 1930

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, and

His Excellency, the President of the National Government of the Republic of China,

Desiring that the territory of Weihaiwei leased by China to His Britannic Majesty under the Convention of July 1, 1898, should be restored in full sovereignty to China, have resolved to conclude a Convention for that purpose and to that end have appointed as their Plenipotentiaries  
*[here follow names]*

Who, having communicated their full powers, found in good and due form, have agreed as follows

#### Article 1

The territory of Weihaiwei, as delimited by the boundary stones fixed by the Boundary Commission of 1899-1901, comprising a belt of land 10 English miles wide along the entire coastline of the Bay of Weihaiwei and including Liukungtao and all other islands in the Bay of Weihaiwei, is hereby returned by His Britannic Majesty to the Republic of China.

#### Article 2

The Convention for the lease of Weihaiwei, concluded on July 1, 1898, is hereby abrogated

#### Article 3

The British garrison now stationed in the territory of Weihaiwei, including Liukungtao, shall be withdrawn within one month from the date of the coming into force of the present Convention

## Article 4

The Government of the United Kingdom of Great Britain and Northern Ireland will hand over to the National Government of the Republic of China such archives, registers, title deeds, and other documents in the possession of the British Administration in Weihaiwei as may be useful for the transfer of the administration, as well as those that may be useful for the subsequent administration of the territory by the National Government

## Article 5

The Government of the United Kingdom will present to the National Government of the Republic of China all lands and buildings in the territory of Weihaiwei belonging to the first named Government

## Article 6

The Government of the United Kingdom will hand over to the National Government of the Republic of China without compensation, all works and purchases, including the steam launch *Gallia*, made under the special levy in respect of the Victory Pier and the Wukou Improvement Scheme

## Article 7

The Government of the United Kingdom will present to the National Government of the Republic of China the Chefoo-Weihaiwei cable and the Government stores, including those detailed in Annex I

## Article 8

The Government of the United Kingdom will hand over to the National Government of the Republic of China, free of charge, the Civil Hospitals at Port Edward and Wenchuantang, including land and buildings and present equipment.

## Article 9

The Government of the United Kingdom will return to the National Government of the Republic of China

all land previously owned by the Chinese Government on Lukungtao, together with the buildings thereon, and will further hand over all the land subsequently acquired by purchase and all Crown leases in respect of sites on that island with the reversionary interest in the buildings on the land so leased

### Article 10

The transfer of the Administration of Weihaiwei and the transfer of public properties in the said territory, as well as of other matters under the present Convention, shall take place on the day of coming into force of the said Convention

### Article 11

When the National Government of the Republic of China assumes the administration of the territory of Weihaiwei after rendition, the existing regulations, including land and house tax, sanitary and building regulations, and policing will as far as possible be maintained

### Article 12

All documents of title to land deed of conveyance and mortgage and *Chihchao* under the British Weihaiwei Waste Land Ordinance No. 6 of 1919, issued to Chinese owners by the British Administration of Weihaiwei in the form prescribed within the territory of Weihaiwei, shall, subject to the terms contained therein, be recognized as being of the same validity as during the British administration, unless the documents of title are contrary to Chinese law making revision or issue of additional documents of title necessary

### Article 13

All documents of title to land issued to persons other than Chinese by the British Administration of Weihaiwei in the prescribed form shall be exchanged for Chinese deeds of perpetual lease in the same form as those recently issued by the Chinese authorities to foreign lot holders

in the former British Concession at Chinkiang, a registration fee of \$1.00 per row being charged

All leases issued by the British Administration of Weihaiwei will be recognized by the National Government of the Republic of China

If the National Government of the Republic of China should decide to close the port of Weihaiwei to foreign residence and trade, with a view to utilizing it exclusively as a naval base, the interests of the foreign property owners and leaseholders will be bought out at a fair compensation to be agreed upon between the Governments of China and the United Kingdom, who will appoint a joint commission for determining the amount of this compensation in each case

#### Article 14

The National Government of the Republic of China will maintain the existing public services, employing such staff as it may select, including particularly the telephone service on the mainland and connexion with the island and the telegraph service between Weihaiwei mainland and island and Chefoo

#### Article 15

All decisions of the British Weihaiwei High Court or magistrates' courts pronounced before rendition shall be considered after rendition to have the same force and effect as if they were decisions rendered by Chinese courts of justice

#### Article 16

The National Government of the Republic of China will unless and until they decide to close the port of Weihaiwei and reserve it exclusively as a naval base, maintain it as an area for international residence and trade including within such area all places in which foreign property owners and leaseholders are at present located

## Article 17

Pending the enactment and general application of the laws regulating the system of local self government in China, the Chinese local authorities will ascertain the views of the foreign residents at Weihaiwei in such municipal matters as may directly affect their welfare and interests

## Article 18

The National Government of the Republic of China will, unless they decide to close the port of Weihaiwei and reserve it exclusively as a naval base, lease to the Government of the United Kingdom free of charge for a period of 30 years with option of renewal by the holders, certain land and buildings in the territory of Weihaiwei as detailed in Annex II, for the requirements of the British Consulate and the public interests of the residents

## Article 19

Existing aids to navigation, i.e. lighthouses, mark-buoys, storm-signals, &c., shall be transferred to the National Government of the Republic of China free of charge and shall be maintained in the future by the competent Chinese authorities, who shall administer the harbour in the same way as at the open ports of China

## Article 20

The present Convention shall be ratified and ratifications thereof shall be exchanged at Nanking on or before the first day of October, 1930, which is the first day of the tenth month of the nineteenth year of the Republic of China

It shall come into force from the date of the exchange of ratifications

In faith whereof the above-named Plenipotentiaries have signed the present Convention in duplicate and have affixed thereto their seals.



Done at Nanking this eighteenth day of April, nineteen hundred and thirty, corresponding to the eighteenth day of the fourth month of the nineteenth year of the Republic of China

(Seal) MILES W. LAMPSON

(Seal) CHIENGTING T. WANG

## XXVIII

### THE TREATY FOR THE LIMITATION AND REDUCTION OF NAVAL ARMAMENT, LON- DON, APRIL 22, 1930

THE President of the United States of America, the President of the French Republic, His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas Emperor of India His Majesty the King of Italy, and His Majesty the Emperor of Japan

Desiring to prevent the dangers and reduce the burdens inherent in competitive armaments, and

Desiring to carry forward the work begun by the Washington Naval Conference and to facilitate the progressive realization of general limitation and reduction of armaments,

Have resolved to conclude a Treaty for the limitation and reduction of naval armament and have accordingly appointed as their Plenipotentiaries

The President of the United States of America <sup>1</sup>

The President of the French Republic

His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India

for Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations

for the Dominion of Canada

for the Commonwealth of Australia

for the Dominion of New Zealand

for the Union of South Africa

for the Irish Free State

for India

His Majesty the King of Italy

His Majesty the Emperor of Japan

Who, having communicated to one another their full

<sup>1</sup> Names of representative omitted.

powers, found in good and due form, have agreed as follows

## PART I

### Article 1

The High Contracting Parties agree not to exercise their rights to lay down the keels of capital ship replacement tonnage during the years 1931-6 inclusive as provided in Chapter II, Part 3 of the Treaty for the Limitation of Naval Armament signed between them at Washington on the 6th February, 1922, and referred to in the present Treaty as the Washington Treaty

This provision is without prejudice to the disposition relating to the replacement of ships accidentally lost or destroyed contained in Chapter II, Part 3, Section 1, paragraph (c) of the said Treaty

France and Italy may, however, build the replacement tonnage which they were entitled to lay down in 1927 and 1929 in accordance with the provisions of the said Treaty

## PART IV

### Article 22

The following are accepted as established rules of International Law <sup>1</sup>

(1) In their action with regard to merchant ships submarines must conform to the rules of International Law to which surface vessels are subject

(2) In particular, except in the case of persistent refusal to stop on being duly summoned, or of active resistance to visit or search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew, and ship's papers in a place of safety. For this purpose the ship's boats are not regarded as a place of safety unless the safety of the passengers and

<sup>1</sup> This Part supersedes the drastic rules of the Washington Conference of 1921 <sup>2</sup> which never were finally made operative, see Wheaton *International Law* (ed. Keith) ii 868-869

crew is assured, in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board

The High Contracting Parties invite all other Powers to express their assent to the above rules

## PART V

### Article 23

The present Treaty shall remain in force until the 31st December, 1936 subject to the following exceptions

- (1) Part IV shall remain in force without limit of time,
- (2) the provisions of Articles 3, 4, and 5, and of Article II and Annex II to Part II so far as they relate to aircraft carriers, shall remain in force for the same period as the Washington Treaty

Unless the High Contracting Parties should agree otherwise by reason of a more general agreement limiting naval armaments to which they all become parties, they shall meet in conference in 1935 to frame a new treaty to replace and to carry out the purposes of the present Treaty, it being understood that none of the provisions of the present Treaty shall prejudice the attitude of any of the High Contracting Parties at the conference agreed to

### Article 24

1 The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and the ratifications shall be deposited at London as soon as possible. Certified copies of all the *proces-verbaux* of the deposit of ratifications will be transmitted to the Governments of all the High Contracting Parties

2. As soon as the ratifications of the United States of America, of His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, in respect of each and all the Members of the British Commonwealth of Nations as enumerated in the preamble of the present Treaty, and of His Majesty the Emperor of Japan have been deposited, the Treaty

shall come into force in respect of the said High Contracting Parties.<sup>1</sup>

3. On the date of the coming into force referred to in the preceding paragraph, Parts I, II, IV, and V of the present Treaty will come into force in respect of the French Republic and the Kingdom of Italy if their ratifications have been deposited at that date, otherwise these Parts will come into force in respect of each of those Powers on the deposit of its ratification.

4 The rights and obligations resulting from Part III of the present Treaty are limited to the High Contracting Parties mentioned in paragraph 2 of this Article. The High Contracting Parties will agree as to the date on which, and the conditions under which, the obligations assumed under the said Part III by the High Contracting Parties mentioned in paragraph 2 of this Article will bind them in relation to France and Italy, such agreement will determine at the same time the corresponding obligations of France and Italy in relation to the other High Contracting Parties

#### Article 25

After the deposit of the ratifications of all the High Contracting Parties, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland will communicate the provisions inserted in Part IV of the present Treaty to all Powers which are not signatories of the said Treaty, inviting them to accede thereto definitely and without limit of time

Such accession shall be effected by a declaration addressed to His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland

#### Article 26

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland

<sup>1</sup> December 31, 1930 The provision insists on the solidarity of the Empire in this matter as under the Treaty of 1922. The delay was due to the Irish Free State's inability to secure earlier legislative approval

## XXIX

### M. BRIAND'S PROJECT FOR EUROPEAN FEDERAL UNION

*Memorandum on the Organization of a System of European Federal Union, circulated to European States Members of the League of Nations by the French Government, May 17, 1930*

At a preliminary meeting held in Geneva on September 9, 1929, at the request of the French representative, the authorized representatives of the twenty-seven European States which are Members of the League of Nations were invited to consider the advantages of an agreement between the interested Governments having as its object the creation, among the nations of Europe, of some kind of federal bond establishing between them a system of constant solidarity, and allowing them, whenever necessary, to get into touch immediately to study, discuss, and settle problems likely to be of common interest.

Having unanimously recognized the need for some effort in this direction, the representatives who were consulted all undertook to recommend to their respective Governments the consideration of the question which had been directly submitted to them by the French representative, who had also taken the opportunity on September 5, of raising the matter before the Tenth Assembly of the League of Nations.

In order to demonstrate more clearly their unanimity, which in itself embodied the principle of a moral union in Europe, they considered that they should draw up without delay the procedure which seemed to them the most likely to facilitate the proposed investigation. They entrusted to the French representative the task of indicating, in a Memorandum addressed to the interested Governments, the main points to which they should give

their attention, to collate and record their views; to set forth the conclusions of this widespread inquiry, and to embody them in a report for submission to a European conference, which might be held at Geneva on the occasion of the next Assembly of the League of Nations.

In fulfilling the task which was entrusted to them, the Government of the French Republic desire to emphasize the general anxiety and the essential reservations which have never ceased to dominate the thoughts of all the representatives united at Geneva on September 9 last.

The proposal examined by twenty-seven European Governments found its justification in the very definite feeling of collective responsibility in face of the danger which threatens the peace of Europe, from the political as well as from the economic and social points of view, as a result of the essential lack of unity in the organization of Europe. The need for establishing a permanent régime of solidarity based on international agreements for the rational organization of Europe arises from the very conditions of security and well being of the nations whose geographical position already imposes on them in this part of the world a real solidarity.

No one to-day doubts that the lack of cohesion in the grouping of the material and moral forces of Europe does in fact constitute the most serious obstacle to the development and efficiency of all political or judicial institutions on which the foundations of any universal organization of peace tend to be based. Thus dispersion of energy does not limit less seriously, in Europe, the possibilities of enlarging the economic market, the attempts at intensifying and ameliorating industrial production, and thereby every guarantee against labour crises, which are sources of both political and social instability. Moreover, the danger of such division is still further increased by the extent of the new frontiers (more than 20 000 kilometres of Customs barriers) which the peace treaties have had to create, in order to satisfy national aspirations in Europe.

The very activities of the League of Nations, whose responsibilities are rendered all the more heavy by the

fact that it is a universal organization, might meet with serious obstruction in Europe if these territorial divisions were not counteracted at the earliest moment by a bond of solidarity enabling the nations of Europe to realize at last the geographical unity of Europe, and to bring about, within the framework of the League, one of the regional understandings which the pact has formally recommended

That is to say, that the search for a formula of European co-operation in conjunction with the League of Nations, far from weakening the authority of that body, should not, and could not, tend but to increase it, for it is in close keeping with the ideals of the League

It is in no way proposed to form a European group outside the League of Nations, but, on the contrary, to bring European interests into harmony under the control of, and in conformity with, the spirit of the League of Nations, by creating within its universal organization an organization which, for being limited, would be all the more effective. The creation of a system of federal organization in Europe would always be placed to the credit of the League of Nations as a factor of progress of which even the nations outside Europe could reap the benefit

Such a conception can leave no room for ambiguity any more than that which, in an area even more limited gave birth to the collective negotiation of the Locarno agreements, which inaugurated the real policy of European co-operation

There are, in fact, certain questions of special interest to Europe for which in the interests of peace itself, the European States may feel the need of a special more immediate and more direct action, and with which they are, moreover, specially competent to deal because of their racial affinities and their common ideals of civilization. The League of Nations itself, in the general exercise of its activities, has more than once had to take into account this geographical unity which Europe represents, and for which common solutions may be



found which could not be imposed upon the whole world. To prepare and facilitate the co-ordination of those activities of the League, which are essentially European, would be one of the tasks of the proposed association.

Far from constituting a fresh tribunal for the settlement of disputes, the European association, which could not be called upon in such matters to use its good offices except in a purely consultative capacity, would not be competent to deal fully with particular problems for the settlement of which a special procedure of the League of Nations or some other expressly defined procedure has been laid down by the Covenant or by treaties. But even in matters involving a task essentially reserved for the League of Nations, the federal bond between the European States would still play a very useful part in preparing an atmosphere favourable to a peaceful settlement by the League, or in facilitating, in practice, the execution of its decisions.

Accordingly, the French representative was careful, from the beginning, to avoid all ambiguity when, taking the initiative at the first European reunion, he expressed the opinion that it should include only the representatives of the States which are Members of the League of Nations, and should meet at Geneva on the occasion of the Tenth Assembly—that is to say, in the atmosphere and within the framework of the League of Nations.

The proposed European organization could not be opposed to any ethnographical combination outside the League, either in Europe itself or in other continents, any more than it could be to the League itself.

The work of European co-ordination meets requirements so immediate and so vital that it seeks to be an end in itself, by doing positive work which there can be no question of directing or of allowing to be directed against any one. On the contrary, this work will be carried on in complete and friendly trust, and even often in collaboration, with all other States or groups of States which are so sincerely interested in the organization of universal peace as to recognize the advantage of a greater homogeneity in

Europe, and which, in addition, understand sufficiently clearly the modern laws of international economy, to seek, in the better organization of a Europe which has been simplified and thereby freed from the constant menace of conflicts, the conditions of security indispensable to the development of their own economic intercourse

The policy of European union, towards which must tend the present search for the first link of solidarity between the Governments of Europe, implies, in effect, a conception absolutely contrary to that which formerly led to the creation in Europe of Customs unions tending to abolish internal Customs barriers in order to erect on the boundary of the whole community a stiffer barrier—that is to say, in order to create, in practice, a weapon against the States situated outside these unions

Such a conception would be incompatible with the principles of the League of Nations, closely bound as it is to the ideal of universality which remains its aim and end, even while it seeks or favours partial results

Lastly, it is necessary to make the proposed study very clearly subject to the general principle, that in no case and in no degree may the formation of the *Federal Union* desired by the European Governments affect in any way any of the sovereign rights of the States which are members of such an association

It is on the plane of absolute sovereignty and of entire political independence that the understanding between European nations must be brought about. It would, besides, be impossible to imagine the existence of any idea of political domination in an organization deliberately placed under the control of the *League of Nations*, whose two fundamental principles are precisely the sovereignty of States and their equality of rights. And, as regards rights of sovereignty, will not the very genius of each nation be able to assert itself more consciously in its individual co-operation in the collective work, under a system of federal union fully compatible with respect for traditions and for the characteristics peculiar to each people?

It is in the light of these observations and inspired by the general anxiety mentioned at the beginning of this Memorandum that the Government of the Republic, in conformity with the procedure laid down at the first European reunion of September 9, 1929, have the honour to submit to-day, for consideration by the Governments concerned, a statement of the different points on which they are invited to give their opinion.

### XXX

## THE TREATY OF ALLIANCE BETWEEN GREAT BRITAIN AND IRAQ, BAGHDAD, JUNE 30, 1930

*[Ratifications exchanged at Baghdad, January 26, 1931]*

His Majesty the King of Great Britain Ireland, and the  
British Dominions beyond the Seas, Emperor of India,

And His Majesty the King of Iraq,

Whereas they desire to consolidate the friendship and  
to maintain and perpetuate the relations of good under-  
standing between their respective countries, and

Whereas His Britannic Majesty undertook in the Treaty  
of Alliance signed at Baghdad on the thirteenth day of  
January, One thousand nine hundred and twenty-six of  
the Christian Era, corresponding to the twenty-eighth  
day of Jamadi-al Ukbra, One thousand three hundred  
and forty-four, Hiyrah, that he would take into active con-  
sideration at successive intervals of four years the question  
whether it was possible for him to press for the admission  
of Iraq into the League of Nations, and

Whereas His Majesty's Government in the United  
Kingdom of Great Britain and Northern Ireland in-  
formed the Iraq Government without qualification or  
proviso on the fourteenth day of September, One thou-  
sand nine hundred and twenty nine that they were pre-  
pared to support the candidature of Iraq for admission  
to the League of Nations in the year One thousand nine  
hundred and thirty two and announced to the Council of  
the League on the fourth day of November, One thousand  
nine hundred and twenty nine, that this was their inten-  
tion, and

Whereas the mandatory responsibilities accepted by  
His Britannic Majesty in respect of Iraq will automati-  
cally terminate upon the admission of Iraq to the League  
of Nations, and

Whereas His Britannic Majesty and His Majesty the King of Iraq consider that the relations which will subsist between them as independent sovereigns should be defined by the conclusion of a Treaty of Alliance and Amity,

Have agreed to conclude a new Treaty for this purpose on terms of complete freedom, equality, and independence which will become operative upon the entry of Iraq into the League of Nations, and have appointed as their Plenipotentiaries [*names omitted*]

### Article 1

There shall be perpetual peace and friendship between His Britannic Majesty and His Majesty the King of Iraq

There shall be established between the High Contracting Parties a close alliance in consecration of their friendship, their cordial understanding, and their good relations, and there shall be full and frank consultation between them in all matters of foreign policy which may affect their common interests

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance or might create difficulties for the other party thereto

### Article 2

Each High Contracting Party will be represented at the Court of the other High Contracting Party by a diplomatic representative duly accredited

### Article 3

Should any dispute between Iraq and a third State produce a situation which involves the risk of a rupture with that State, the High Contracting Parties will concert together with a view to the settlement of the said dispute by peaceful means in accordance with the provisions of the Covenant of the League of Nations and of any other international obligations which may be applicable to the case

## Article 4

Should, notwithstanding the provisions of Article 3 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of Article 9 below, immediately come to his aid in the capacity of an ally. In the event of an imminent menace of war the High Contracting Parties will immediately concert together the necessary measures of defence. The aid of His Majesty the King of Iraq in the event of war or the imminent menace of war will consist in furnishing to His Britannic Majesty on Iraq territory all facilities and assistance in his power including the use of railways, rivers, ports, aerodromes, and means of communication.

## Article 5

It is understood between the High Contracting Parties that responsibility for the maintenance of internal order in Iraq and, subject to the provisions of Article 4 above, for the defence of Iraq from external aggression rests with His Majesty the King of Iraq. Nevertheless His Majesty the King of Iraq recognizes that the permanent maintenance and protection in all circumstances of the essential communications of His Britannic Majesty is in the common interest of the High Contracting Parties. For this purpose and in order to facilitate the discharge of the obligations to His Britannic Majesty under Article 4 above His Majesty the King of Iraq undertakes to grant to His Britannic Majesty for the duration of the Alliance *sites for air bases to be selected by His Britannic Majesty* at or in the vicinity of Basra and for an air base to be selected by His Britannic Majesty to the west of the Euphrates. His Majesty the King of Iraq further authorizes His Britannic Majesty to maintain forces upon Iraq territory at the above localities in accordance with the provisions of the Annexure of this Treaty on the understanding that the presence of those forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Iraq.

### Article 6

The Annexure hereto shall be regarded as an integral part of the present Treaty.

### Article 7

This Treaty shall replace the Treaties of Alliance signed at Baghdad on the tenth day of October, One thousand nine hundred and twenty-two of the Christian Era, corresponding to the nineteenth day of Safar, One thousand three hundred and forty-one, Hijrah, and on the thirteenth day of January, One thousand nine hundred and twenty-six, of the Christian Era, corresponding to the twenty-eighth day of Jamadi al-Ukhra, One thousand three hundred and forty-four, Hijrah, and the subsidiary agreements thereto, which shall cease to have effect upon the entry into force of this Treaty. It shall be executed in duplicate, in the English and Arabic languages, of which the former shall be regarded as the authoritative version.

### Article 8

The High Contracting Parties recognize that, upon the entry into force of this Treaty, all responsibilities devolving under the Treaties and Agreements referred to in Article 7 hereof upon His Britannic Majesty in respect of Iraq will, in so far as His Britannic Majesty is concerned, then automatically and completely come to an end, and that such responsibilities, in so far as they continue at all, will devolve upon His Majesty the King of Iraq alone.

It is also recognized that all responsibilities devolving upon His Britannic Majesty in respect of Iraq under any other international instrument, in so far as they continue at all, should similarly devolve upon His Majesty the King of Iraq alone, and the High Contracting Parties shall immediately take such steps as may be necessary to secure the transference to His Majesty the King of Iraq of these responsibilities.

### Article 9

Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the twenty-seventh day of August, One thousand nine hundred and twenty-eight

### Article 10

Should any difference arise relative to the application or the interpretation of this Treaty and should the High Contracting Parties fail to settle such difference by direct negotiation, then it shall be dealt with in accordance with the provisions of the Covenant of the League of Nations

### Article 11

This Treaty shall be ratified and ratifications shall be exchanged as soon as possible Thereafter it shall come into force as soon as Iraq has been admitted to membership of the League of Nations

The present Treaty shall remain in force for a period of twenty five years from the date of its coming into force At any time after twenty years from the date of the coming into force of this Treaty, the High Contracting Parties will, at the request of either of them, conclude a new Treaty which shall provide for the continued maintenance and protection in all circumstances of the essential communications of His Britannic Majesty In case of disagreement in this matter the difference will be submitted to the Council of the League of Nations

In faith whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals

Done at Baghdad in duplicate this thirteenth day of June, One thousand nine hundred and thirty, of the



Christian Era, corresponding to the fourth day of Safar,  
One thousand three hundred and forty-nine, Hijrah

(LS) F. H. HUMPHRYS

(LS) NOURY SAID

*Annexure to Treaty of Alliance*

1

The strength of the forces maintained in Iraq by His Britannic Majesty in accordance with the terms of Article 5 of this Treaty shall be determined by His Britannic Majesty from time to time after consultation with His Majesty the King of Iraq

His Britannic Majesty shall maintain forces at Hinaidi for a period of five years after the entry into force of this Treaty in order to enable His Majesty the King of Iraq to organize the necessary forces to replace them. By the expiration of that period the said forces of His Britannic Majesty shall have been withdrawn from Hinaidi. It shall be also open to His Britannic Majesty to maintain forces at Mosul for a maximum period of five years from the entry into force of this Treaty. Thereafter it shall be open to His Britannic Majesty to station his forces in the localities mentioned in Article 5 of this Treaty, and His Majesty the King of Iraq will grant to His Britannic Majesty for the duration of the alliance leases of the necessary sites for the accommodation of the forces of His Britannic Majesty in those localities

2

Subject to any modifications which the two High Contracting Parties may agree to introduce in the future, the immunities and privileges in jurisdictional and fiscal matters, including freedom from taxation, enjoyed by the British forces in Iraq will continue to extend to the forces referred to in Clause 1 above and to such of His Britannic Majesty's forces of all arms as may be in Iraq in pursuance of the present Treaty and its annexure or otherwise by agreement between the High Contracting Parties, and

the existing provisions of any local legislation affecting the armed forces of His Britannic Majesty in Iraq shall also continue. The Iraq Government will take the necessary steps to ensure that the altered conditions will not render the position of the British forces as regards immunities and privileges in any way less favourable than that enjoyed by them at the date of the entry into force of this Treaty.

## 3

His Majesty the King of Iraq agrees to provide all possible facilities for the movement, training and maintenance of the forces referred to in Clause 1 above and to accord to those forces the same facilities for the use of wireless telegraphy as those enjoyed by them at the date of the entry into force of the present Treaty

## 4

His Majesty the King of Iraq undertakes to provide at the request and at the expense of His Britannic Majesty and upon such conditions as may be agreed between the High Contracting Parties special guards from his own forces for the protection of such air bases as may, in accordance with the provisions of this Treaty, be occupied by the forces of His Britannic Majesty, and to secure the enactment of such legislation as may be necessary for the fulfilment of the conditions referred to above

## 5

His Britannic Majesty undertakes to grant whenever they may be required by His Majesty the King of Iraq all possible facilities in the following matters, the cost of which will be met by His Majesty the King of Iraq

1 Naval military, and aeronautical instruction of Iraqi officers in the United Kingdom

2 The provision of arms, ammunition, equipment, ships, and aeroplanes of the latest available pattern for the forces of His Majesty the King of Iraq

3 The provision of British naval, military, and air force

officers to serve in an advisory capacity with the forces of His Majesty the King of Iraq

## 6

In view of the desirability of identity in training and methods between the Iraq and British armies, His Majesty the King of Iraq undertakes that, should he deem it necessary to have recourse to foreign military instructors, these shall be chosen from amongst British subjects.

He further undertakes that any personnel of his forces that may be sent abroad for military training will be sent to military schools, colleges, and training centres in the territories of His Britannic Majesty, provided that this shall not prevent him from sending to any other country such personnel as cannot be received in the said institutions and training centres

He further undertakes that the armament and essential equipment of his forces shall not differ in type from those of the forces of His Britannic Majesty

## 7

His Majesty the King of Iraq agrees to afford, when requested to do so by His Britannic Majesty, all possible facilities for the movement of the forces of His Britannic Majesty of all arms in transit across Iraq and for the transport and storage of all supplies and equipment that may be required by these forces during their passage across Iraq. These facilities shall cover the use of the roads, railways, waterways, ports, and aerodromes of Iraq, and His Britannic Majesty's ships shall have general permission to visit the Shatt al-Arab on the understanding that His Majesty the King of Iraq is given prior notification of visits to Iraq ports

(Initialed) F H H  
N S

## XXXI

### GERMANY AND AUSTRIA

#### *I The Protocol of Vienna, March 19, 1931*

In the course of the conversations which took place in Vienna at the beginning of March, 1931, the German Government and the Austrian Government agreed to enter forthwith into negotiations for a Treaty to assimilate the tariff and economic policies of their respective countries on the basis and within the limits of the following principles

#### I

(1) The Treaty is destined to mark the beginning of a new order of European economic conditions on lines of regional agreements, the independence of the two countries being fully maintained and due respect being paid to the obligations undertaken by them towards third States

(2) More especially both parties will in the Treaty declare their willingness to enter into negotiations for a similar agreement with any other country expressing such a desire

#### II

(1) Germany and Austria will agree on a tariff law and a customs tariff which shall be put into force in both customs territories concurrently with the Treaty and for the period of its validity

(2) During the validity of the Treaty amendments to the tariff law and the customs tariff may only be effected in virtue of an agreement of both parties

#### III

(1) As long as the Treaty remains in force the exchange of goods between the two countries shall not be subject to any import or export duties

(2) The two Governments shall agree in the Treaty whether provisional tariffs will be necessary, and, if so, for which specified categories of goods and for which period

#### IV

(1) The two Governments shall agree to stipulations in the Treaty concerning a provisional arrangement regarding interchange in respect of the turnover tax and as to such goods for which, at the present time, monopolies or excise duties are in existence in either of the two countries

#### V

(1) The Customs Administration of each of the two countries shall be independent of that of the other and shall remain under the exclusive control of the Government of its respective country. Furthermore each country shall bear the expenses of its own Customs Administration

(2) Both Governments whilst fully respecting the above principle, will assure by special measures of a technical character the uniform execution of the tariff law, the customs tariff, and the other tariff regulations

#### VI

(1) In the German customs territory the customs duties shall be levied by the German customs authorities and in the Austrian customs territory by the Austrian customs authorities

(2) After deducting the special expenses arising out of the application of the Treaty the amount of the duties received shall be apportioned between the two countries according to a quota

(3) In the agreements to be made regarding this point care will be taken not to prejudice the liens on customs revenues existing in either country.

#### VII

(1) No import, export, or transit prohibitions shall exist between Germany and Austria. Such exceptions as may

prove to be necessary for reasons of public security, public health, or similar grounds shall be specified in the Treaty as precisely as possible

(2) In place of the Convention on Animal Disease concluded between Germany and Austria on July 12, 1924, the two Governments will conclude as soon as possible, not later than one year after the entry into operation of the Treaty, and put into force a fresh agreement regulating the traffic of animals and animal products between Germany and Austria under the same conditions in accordance with the same regulations as govern internal traffic in Germany and Austria.

### VIII

The rights appertaining to individuals and juridical persons of the one party in the territory of the other in respect of settlement, industry, taxation, &c, shall be regulated in the Treaty on the basis of the relevant provisions of the Austro German Commercial Treaty now in force. On the same basis regulations shall also be agreed upon concerning railway and shipping traffic between the two parties

### IX

(1) Each of the two Governments, even after the entry into force of the Treaty, shall retain in principle the right to conclude commercial treaties with third States on their own behalf

(2) In such negotiations with third States, the German and the Austrian Governments will take heed that the interests of the other contracting party are not infringed by the text and object of the Treaty to be concluded.

(3) So far as it seems opportune and possible with a view to effecting a simple, speedy, and uniform settlement of the commercial relations with third States, the German Government and the Austrian Government will conduct joint negotiations for the conclusion of commercial treaties with third States. Even in this case, however, Germany and Austria will each sign and ratify a

separate commercial treaty on their own behalf, and will only arrange together for a simultaneous exchange of the ratifications with the third State in question.

## X

The two Governments will take the necessary steps in due time to bring into accord with one another and with the contents and object of the Treaty, the existing commercial treaties concluded by Germany and Austria with third States so far as they contain obligations respecting customs tariff rates or so far as they might impair the execution of the existing import and export prohibitions and other regulations on the exchange of goods

## XI

(1) To ensure a smooth working of the Treaty an Arbitral Committee shall be provided for therein composed on the lines of complete parity of members of the two parties. This Committee will have to deal with the following matters

- (a) settlement by arbitration of differences of opinion arising between both parties as to the interpretation and application of the Treaty,
- (b) to bring about a compromise in such cases where the Treaty provides for a special agreement between both parties or in which according to the text of the Treaty the realization of the intentions of the one party depends upon the consent of the other, provided that in such cases agreement cannot be reached between the two parties

(2) A decision of the Arbitral Committee in cases (a) and (b) referred to above shall have binding effect on both parties, a majority of votes being sufficient. The President of the Committee shall have a casting vote. Complete parity in choosing the President from time to time shall be provided for in the Treaty

(3) Should either of the two Governments be of the opinion that the decision of the Arbitral Committee in any of the cases mentioned under 1 (b) infringes its vital

economic interests, it shall be entitled to terminate the Treaty at any time on giving six months' notice. Such notice of termination may also be given during the first period of three years mentioned under XII (2)

## XII

(1) The Treaty to be concluded shall be ratified and shall enter into operation at the end of a period to be fixed in the Treaty which extends from the date of the exchange of ratifications

(2) The Treaty may be denounced at any time upon one year's notice, but not before the end of the third year after its entry into force except in the case mentioned under XI (3)

(3) Notice may only be given in virtue of a law to be enacted by the country denouncing the Treaty

### *2 Advisory Opinion delivered by the Permanent Court of International Justice, September 5, 1931*

By a Protocol drawn up at Vienna on March 19, 1931, Germany and Austria agreed to conclude a Treaty with a view to assimilating the tariff and economic policies of the two countries on the basis and principles laid down in that Protocol thereby resulting in the establishment of a customs union régime

There is nothing in this Protocol which provides for any consent by the Council of the League of Nations. In point of fact however the Protocol was communicated by the German and Austrian Governments themselves to the British, French, and Italian Governments, among others, and the British Government brought the matter before the Council

It was in these circumstances that the Council requested the Court to give an advisory opinion on the following question

"Would a régime established between Germany and Austria on the basis and within the limits of the principles laid down by the Protocol of March 19, 1931, the



text of which is annexed to the present request, be compatible with Article 88 of the Treaty of Saint-Germain and with Protocol No. 1 signed at Geneva on October 4, 1922?

Accordingly, the Court has not to consider the conditions under which the Austro-German customs union might receive the Council's consent. The only question the Court has to settle is whether, from the point of view of law, Austria could, without the consent of the Council, conclude with Germany the customs union contemplated in the Vienna Protocol of March 19, 1931, without committing an act which would be incompatible with the obligations she has assumed under the provisions quoted above.

I. Firstly, as regards the undertakings assumed by Austria in Article 88 of the Treaty of Saint Germain.

When—as had previously been provided in Article 80 of the Treaty of Peace concluded with Germany on June 28, 1919—the Treaty of Saint-Germain laid down that the independence of Austria was inalienable, except with the consent of the Council of the League of Nations, that Treaty imposed upon Austria, who in principle has sovereign control over her own independence, an obligation not to alienate that independence, except with the consent of the Council of the League of Nations.

If we consider the general observations at the beginning of the present Opinion concerning Austria's present status, and irrespective of the definition of the independence of States which may be given by legal doctrine or may be adopted in particular instances in the practice of States, the independence of Austria, according to Article 88 of the Treaty of Saint Germain, must be understood to mean the continued existence of Austria within her present frontiers as a separate State with sole right of decision in all matters economic, political, financial, or other with the result that that independence is violated, as soon as there is any violation thereof, either in the economic, political, or any other field, these different aspects of independence being in practice one and indivisible.

If by the régime contemplated by the Austro-German Protocol of 1931 Austria does not alienate her independence, the Council's consent on this matter is obviously not necessary. In the other event, however, it is essential.

By 'alienation', as mentioned in Article 88, must be understood any voluntary act by the Austrian State which would cause it to lose its independence or which would modify its independence in that its sovereign will would be subordinated to the will of another Power or particular group of Powers, or would even be replaced by such will.

Further, since the signatory Powers to the Treaty of Saint Germain other than Austria have in Article 88 approved this inalienability by Austria of her independence, they are themselves clearly bound not to participate in acts involving alienation.

Having thus stipulated the inalienability of Austria's independence otherwise than with the consent of the Council of the League of Nations, Article 88 provides 'Consequently, Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the League of Nations, by participation in the affairs of another Power.'

There is no doubt that the word 'consequently' connects the first and second sentences in the article. But, although the undertaking given by Austria in this second sentence to abstain from certain acts, which might directly or indirectly compromise her independence, refers to the observance of the inalienability of her independence laid down in the first sentence, it does not follow that the acts from which Austria has undertaken to abstain are, as a consequence, necessarily acts of alienation proper, that is, acts which would directly cause her to lose her independence or would modify it, as stated above.

Moreover, the undertaking given by Austria to abstain from 'any act which might directly or indirectly or by any means whatever compromise her independence' can only be interpreted to refer to 'any act calculated to endanger'

that independence, in so far, of course, as can reasonably be foreseen.

An act calculated to endanger cannot be assimilated to the danger itself, still less to the consummation of that danger, any more than a threatened loss or risk can be assimilated to a loss or risk which actually materializes.

In any case, if more is wanted, the 'participation in the affairs of another Power' mentioned at the end of Article 88 as an example—which ceased to be of practical application upon Austria's entry into the League of Nations—of an act which might, pending such entry, compromise her independence, cannot possibly be assimilated to an act of alienation.

II As regards the Protocol signed at Geneva on October 4, 1922, by Austria, France, Great Britain, Italy, and Czechoslovakia, and subsequently acceded to by Belgium and Spain, it cannot be denied that, although it took the form of a declaration, Austria did assume thereby certain undertakings in the economic sphere.

From the standpoint of the obligatory character of international engagements, it is well known that such engagements may be taken in the form of treaties, conventions, declarations, agreements, protocols, or exchanges of notes.

That Austria's undertakings in the 1922 Protocol fall within the scope of the obligations undertaken by her in Article 88 of the Treaty of Saint Germain appears from the express or implied reference made to that provision in this Protocol.

Accordingly, the 'economic independence' expressly mentioned in the last paragraph of Austria's undertakings in the 1922 Protocol refers in the economic sphere to 'the independence of Austria' within the meaning of Article 88 of the Peace Treaty, so that, as has been shown, a violation of this 'economic independence' would be a violation of 'the independence of Austria'.

Thus also the grant of a special régime or exclusive advantages calculated to threaten Austria's independence within the meaning of the last paragraph of the 1922

Protocol would be one of these acts which might compromise Austria's independence *within the meaning of Article 88*

But this in no way presents the undertakings assumed by Austria in a special and distinct instrument open to the accession of all Powers, whether signatory to the Peace Treaty or not, and to which in fact a Power non-signatory to the Peace Treaty (*i.e.* Spain) did accede, from possessing their own value and on that account a binding force complete in itself and capable of independent application

Thus Spain, who was not a Party to the Peace Treaty and who consequently cannot invoke Article 88, would, on the contrary, be entitled to rely on the 1922 Protocol as the only instrument to which she is a Party in order to enforce Austria's express undertakings in that Protocol

It has been argued that the first part of the 1922 Protocol containing the declaration by France, Great Britain, Italy, and Czechoslovakia and, by accession Belgium and Spain, is a simple restatement of the undertaking given by States Members of the League of Nations in Article 10 of the Covenant to respect the territorial integrity and political independence of each Member. Similarly, this part has been regarded as a simple reaffirmation of the obligation assumed by the signatory Powers of the Treaty of Saint-Germain not to participate in any acts not compatible with the inalienability of Austria's independence

It was therefore submitted that Austria's undertakings ought to be regarded merely as the exact counterpart of the undertakings of the other Powers and, accordingly as a mere repetition of Article 88 of the Peace Treaty

As regards the Covenant of the League of Nations, however, while it certainly contains an undertaking to respect the territorial integrity and political independence of each Member and even to preserve as against external aggression this territorial integrity and political independence, it must be observed that it contains neither any undertaking on the part of States not to alienate their own independence, of which they alone are in principle entitled to dispose, nor any undertaking not to seek economic

advantages calculated to compromise the independence of another State which is free to dispose of it as it pleases

Furthermore, as regards Article 88, it has been shown that even admitting that Austria's undertakings in the 1922 Protocol are covered by this article, nevertheless they constitute undertakings possessing their own value and consequently are capable of independent application as would be the case if, for instance, Spain sought to enforce them

Similarly, no useful comparison can be drawn between other customs unions, numerous examples of which have been and still continue to be furnished by political history, and the customs union contemplated in the Austro-German Protocol

In fact, it has not been shown that any of the countries bound by customs unions had undertaken in any way to abstain from any act, negotiations, or economic engagement calculated to compromise its economic independence, or to abstain from granting to another Power a special régime or exclusive advantages calculated to threaten that independence

In sum, the provisions of the 1922 Protocol create for Austria undertakings obligatory in themselves, special undertakings from the economic standpoint, i.e. undertakings not only not to alienate her independence, but, from the special economic standpoint, undertakings to abstain from any negotiations or from any economic or financial engagement calculated directly or indirectly to compromise that independence and still more precisely and definitely, undertakings not to violate her economic independence by granting to any State a special régime or exclusive advantages calculated to threaten this independence

III That being so, a consideration of the Austro-German Protocol of March 19, 1931, the full text of which is annexed hereto, leads to the following results

By the Protocol of Vienna of 1931, the German and Austrian Governments agreed to enter into negotiations for a treaty 'to assimilate the tariff and economic policies of

their respective countries' (*Angleichung der zoll- und handelspolitischen Verhältnisse*) on the basis and within the limits of the principles laid down in that Protocol (Preamble)

While declaring that the independence of the two States and full respect for their international engagements are to be completely maintained (Art I), both Governments undertook (Art II) to agree on a tariff law and customs tariff which are to be put into force simultaneously and concordantly in Germany and Austria and the technical execution of which shall be uniform, although each country will enforce its application by means of its own administration (Art V), the customs receipts being apportioned according to a quota to be fixed (Art VI, No 2)

As between Germany and Austria, export and import duties are in principle to be removed (Art II) There will be, subject to inevitable exceptions necessary for public health and security, no import, export, or transit prohibitions (Art VII, No 1) As regards exchange of goods between the two countries, the turnover tax and commodities forming the subject of monopolies or excise duties will provisionally be regulated by agreement (Art IV)

As regards the economic treaty régime, Article IX, while declaring that both Governments retain in principle (*grundsätzlich*) the right to conclude commercial treaties 'on their own behalf', provides on the other hand that the German and Austrian Governments will see that the interests of the other Party are not violated in contravention of the tenor and purpose of the customs union Treaty, i.e. the assimilation of the tariff and economic policies of both countries the negotiations, Article IX continues, will, as far as possible, be conducted jointly and, notwithstanding that treaties are to be signed and ratified separately, exchanges of ratifications are to be simultaneous (Art IX, Nos 2 and 3)

From the point of view of form, therefore, Austria will certainly possess commercial treaties concluded, signed, and ratified by herself But in reality, and without its being necessary to consider in this connexion whether

Article IX does or does not imply that there may be limitations other than those set out in Nos 2 and 3, to the right of concluding 'treaties' on her own account, it will suffice to note the provisions for joint negotiations, for regard for the interests of the other Party, and the undertaking to the effect that one Party will not ratify without the other.

Lastly, the necessary consequence of this new economic treaty régime will be the modification of Austria's existing treaty régime, which must of course be brought into accord with the projected customs union Treaty (Art X).

Furthermore, disputes which may arise in connexion with the interpretation and application of the customs union Treaty are to be submitted for arbitration to a paritative arbitral committee (Art XI, No 1 a), whose duty it will also be to bring about a compromise in cases where the Treaty provides for a special arrangement or in cases where the Treaty makes the realization of the intentions of one Party dependent upon the consent of the other (Art XI, No 1 b).

Lastly, the Treaty, which is to be concluded for an unspecified duration, may be denounced after three years, it may be denounced before the conclusion of this period, should either of the two countries consider that a decision of the arbitral committee infringes its vital economic interests (Art XII, and Art XI, No 3).

IV It is not and cannot be denied that the régime thus established certainly fulfils 'the requirements of a customs union—uniformity of customs law and customs tariff, unity of the customs frontiers and of the customs territory *vis à vis* third States, freedom from import and export duties in the exchange of goods between the partner States, apportionment of the duties collected according to a fixed quota' (Austrian Memorial, p 4).

Properly speaking, what has to be considered here is not any particular provision of the Protocol of 1931, but rather the Protocol as a whole or, better still—to use the actual terms of the question put by the Council—'the régime' to be established on the basis of this Protocol.

It can scarcely be denied that the establishment of this régime does not in itself constitute an act alienating Austria's independence, for Austria does not thereby cease, within her own frontiers, to be a separate State, with its own government and administration; and, in view, if not of the reciprocity in law, though perhaps not in fact, implied by the projected treaty, at all events of the possibility of denouncing the treaty, it may be said that legally Austria retains the possibility of exercising her independence

It may even be maintained, if regard be had to the terms of Article 88 of the Treaty of Peace, that since Austria's independence is not strictly speaking endangered, within the meaning of that article, there would not be, from the point of view of law, any inconsistency with that article

On the other hand, it is difficult to deny that the projected régime of customs union constitutes a 'special régime' and that it affords Germany, in relation to Austria, advantages which are withheld from third Powers

It is useless to urge that the Austro-German Protocol of 1931 (Art I, No 2) provides that negotiations are to be entered into for a similar arrangement with any other country expressing a desire to that effect

It is clear that this contingency does not affect the immediate result of the customs union as at present projected between Germany and Austria

Finally, if the régime projected by the Austro-German Protocol of Vienna in 1931 be considered as a whole from the economic standpoint adopted by the Geneva Protocol of 1922, it is difficult to maintain that this régime is not calculated to threaten the economic independence of Austria and that it is, consequently, in accord with the undertakings specially given by Austria in that Protocol with regard to her economic independence

FOR THESE REASONS,

The Court,

by eight votes to seven,

is of opinion that

A régime established between Germany and Austria,



on the basis and within the limits of the principles laid down by the Protocol of March 19, 1931, would not be compatible with Protocol No. 1 signed at Geneva on October 4, 1922.

Done in English and in French, the French text being authoritative, at the Peace Palace, The Hague, this fifth day of September, one thousand nine hundred and thirty-one, in two copies, one of which is to be placed in the archives of the Court, and the other to be forwarded to the Council of the League of Nations.

*(Signed)* M. ADATCI, President

*(Signed)* A. HAMMARSKJÖLD, Registrar

M. Guerrero, Count Rostworowski, MM. Fromageot, Altamira, Urrutia, and Negulesco, whilst concurring in the above Opinion, declare that, in their opinion, the régime of customs union projected by the Austro-German Protocol of March 19, 1931, since it would be calculated to threaten the independence of Austria in the economic sphere, would constitute an act capable of endangering the independence of that country and would, accordingly, be not only incompatible with Protocol No. 1 of Geneva of October 4, 1922, but also and in itself incompatible with Article 88 of the Treaty of Saint Germain of September 10, 1919.

M. Anzilotti, whilst concurring in the operative portion of the present Opinion, declares that he is unable to agree in regard to the grounds on which it is based and accordingly has delivered the separate opinion which follows hereafter.

MM. Adatci and Kellogg, Baron Rolin Jaequemyns, Sir Cecil Hurst, MM. Schucking van Eysinga, and Wang, declaring that they are unable to concur in the Opinion given by the Court and availing themselves of the right conferred on them by Article 71 of the Rules of Court, have delivered the joint dissenting opinion which follows hereafter.

*(Initialed)* M. A.

*(Initialed)* A. H.

## XXXII

### THE FRENCH MEMORANDUM, ON DIS- ARMAMENT, JULY 15, 1931

THE Governments that are due to take part in the General Conference for the Limitation and Reduction of Armaments have been requested by the Council of the League of Nations to forward to the Secretariat before September 15 certain particulars concerning the state of their armaments and any information of a nature to enlighten the Conference of 1932 concerning them.

Without awaiting the complete compilation of the figures they are desired to communicate, the Government of the Republic consider it advisable to set forth the principles and methods of French policy as regards the limitation of armaments, the extent to which they have already applied them since signing the League Covenant, and, finally, those conditions the fulfilment of which they deem necessary if the Conference of 1932 is not to disappoint the hopes it has awakened.

#### I

The general principles to be followed in the reduction and limitation of armaments were laid down both by Article 8 of the League Covenant and by Part V of the Peace Treaties.

By subscribing to Article 8 of the Pact, the Members of the League of Nations recognized 'that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations'.

They agreed, moreover, that the Council of the League of Nations, taking account of the geographical situation and circumstances of each State should formulate plans for such reduction for the consideration and action of the several Governments.

Article 8 of the Covenant is therefore based upon two fundamental conceptions which it is important to emphasize.

The first is the idea of 'common action'.

In a system of international solidarity like that of the League of Nations each State must have sufficient armaments to protect itself against aggression until this 'common action' can begin to function. If left to its own unaided resources, a State, unlawfully attacked, must be sufficiently armed not to be overwhelmed before having had time to mobilize the whole of its national forces. It will therefore be possible for the reduction of armaments to be the more substantial in proportion as the setting in motion of the contemplated 'common action' is less uncertain and likely to be more prompt. (For this reason, successive Assemblies have urged since 1922 that such mutual assistance should be 'immediate, effective, and in accordance with a prearranged plan' (Resolution XIV, 1922), if it be desired that 'every State should be sure of not having to provide unaided for its security by means of its own armaments, and should be able to rely also upon the organized collective action of the League of Nations' (Resolution V, 1927))

Viewed from this angle, the limitation of armaments, in conjunction with the development of the systems for the peaceful settlement of disputes and with mutual assistance, is a means of organizing peace. But, in order that it may be carried into effect, the principle of common action must supersede in the minds of the nations that of individual defence. It implies that the League is considered by them as a living reality, invested with positive responsibilities and possessed of effective power.

Concurrently—and this is the second essential idea upon which it is based—Article 8 of the Covenant clearly states that the point below which national armaments cannot be reduced depends upon the degree of security enjoyed by the nation concerned.

A proper estimate of this safety must take into account not only the manner in which the 'common action' of the

League will operate, but also the geographical situation and circumstances of each nation

Article 8 of the Covenant therefore clearly lays down the principle that, as regards the reduction and limitation of armaments, there can be no hard and fast rules; the armaments of each State constitute an aggregate which must necessarily be adapted to its own particular case; the notion of diversity governs the work to be undertaken. Any levelling or automatic equalization of forces is, for this very reason, excluded *a priori*, for equality of armaments as between two States would only be justifiable in the unlikely event of their geographical situation and circumstances being identical

In the midst of this diversity, there is, however, one fixed element which is supplied by Part V of the Peace Treaties in close conjunction with Article 8 of the Covenant

The aim and purpose of Part V of the Treaties is indeed to lay down a definite standard for the armaments allotted to four Powers, which have formally pledged themselves to observe its military, naval, and air clauses

By thus determining a certain standard of forces for the use of those four Powers, the framers of the Treaties make it clear that their purpose was to 'render possible the institution of a general limitation of the armaments of all nations'.

Clearly, therefore, it is in relation to the armaments allotted by the Treaties to certain nations that it will be possible to prepare the limitation and reduction of the armaments of other nations.

It follows that the strict observance of the standards of forces thus laid down is one of the essential prerequisites of the limitation of armaments

(This fact, indeed, the successive Assemblies of the League of Nations have not failed to recognize.) It by no means follows, however, that the Member States of the League whose standards of forces have not been expressly defined by the Treaties, are under the obligation of adopting either the methods or the figures laid down in Part V

of the Peace Treaties as regards the general limitation of armaments.

When the Treaties were framed, at no time and at no place was the argument advanced either in speech or in writing, that other States should in their turn place their armaments on the level prescribed for certain States.

The Covenant stipulates, on the contrary, that the reduction of armaments is to be dealt with in a plan drawn up by the League Council and submitted to the several Governments for their consideration and free decision. Account will be taken in this plan of the requirements of national security, of the international obligations imposed by common action, and of the geographical situation and circumstances of each State.

Were it to be admitted that the standards prescribed in Part V of the Treaties for certain States should apply in an equal and uniform manner to other States, Article 8 of the League Covenant would clearly be bereft of all value and all significance.

On this system of ideas are founded the principles to be followed in the matter of the limitation and reduction of armaments, as laid down in the Covenant of the League of Nations and in the Peace Treaties.

This system has been expounded and consistently approved by the successive Assemblies of the League of Nations.

The Government of the Republic have strictly conformed therewith.

## II

Since the coming into force of the Covenant, France has of her own accord proceeded to reduce her armaments, taking into account, on the one hand, her geographical situation and the circumstances for which her armaments are intended to provide and, on the other, of the progress achieved in the organization of security.

The particular circumstances of French national defence are well known.

Having thrice suffered invasion in the course of a

hundred years, and with extensive frontiers lying open to attack, more particularly those frontiers in close proximity to which are concentrated the resources most essential to her economic life and national defence, France must have at her disposal land forces sufficient to protect her as surely and as promptly as their sea forces protect Naval Powers

In addition, France is called upon to maintain order in an oversea Empire peopled by 60,000 000 inhabitants, covering an area equal to 23 times that of the home country, some parts of which are not yet entirely pacified. She is therefore obliged to maintain two specially trained forces, one in her dependencies, of the smallest size compatible with assuring their security in normal times, and a similar force in the home country, which would be available in case of emergency

In close conjunction with national defence on land, the protection of the sea frontiers, both at home and overseas, and of the essential communications between these various territories requires the co-operation of a navy sufficiently powerful to dispense the Government of the Republic from the necessity of maintaining in every part of their Empire forces sufficient to cope alone with *domestic disturbances which might conceivably coincide* with a foreign aggression. The level, therefore, of the naval forces of France directly affects that of her land as well as that of her air forces.

Called upon to ensure the air defence of the home country, and to co-operate with the land and naval forces, the air service contributes in addition to the policing and protection of the oversea territories, which otherwise would require still larger land forces

This interdependence of the three great categories of armaments is therefore extremely important for France, she must constantly consider them in combination with each other if she is properly to estimate the consequences which a measure adopted for one might have on the others

As for security—an essential factor dominating the

entire problem of the limitation and reduction of armaments and acting, one may say, as a mainspring for the functioning of Article 8 of the Covenant—the French Government have, in the last ten years, unceasingly striven to make clearer, stronger, and more tangible the conception of how this primary requisite is to be assured. They had all the more reason to devote their energies to this purpose that one of the foremost guarantees of French security, provided for and relied upon by the framers of the Peace Treaty, was from the very first inexistent. In consequence they have onreservedly associated themselves with every effort undertaken at Geneva for the purpose of defining more clearly and developing on a general plane the principles of arbitration and mutual help laid down in the Covenant.

The value of those efforts it is by no means their intention to belittle to-day.

It must, however, be noted that the slow rate of progress hitherto achieved has not tended to speed up the task of reducing armaments. On the other hand, in a particularly sensitive European area, and one of vital interest to France, the signing of the Locarno Agreement, based upon Articles 43 and 44 of the Treaty of Versailles, made for France, as well as for the other Powers adjacent to that area, a great additional contribution to the guarantees of security resulting from the strict observance of the Treaties.

## XXXIII

### REPARATIONS AND WAR DEBTS

#### *1 President Hoover's Special Message to Congress, December 10, 1931*

With the support of a large majority of the individual members of the Senate and House, I informed the Governments concerned last June that (Here follows the text of President Hoover's proposal for a moratorium)

All the important Creditor Governments accepted this proposal. The necessary agreements among them have been executed, and Creditor Governments have forgone the receipt of payments due them since July 1, 1931

The effect of this agreement was instantaneous in reversing the drift toward general economic panic and has served to give time to the peoples of those countries to readjust their economic life. The action taken was necessary. I am confident it commends itself to the judgement of the American people.

Payments due to the United States Government from many countries, both on account of principal and interest, fall due on December 15. It is highly desirable that a law should be enacted before that date authorizing the Secretary of the Treasury, with the approval of the President, to postpone all payments due us on account of debts owed by foreign Governments to the United States Government during the year ending June 30, 1932, and to provide for their payment over a ten year period beginning July 1, 1933.

As we approach the new year it is clear that a number of the Governments indebted to us will be unable to meet further payments to us in full pending recovery in their economic life. It is useless to blind ourselves to an obvious fact. Therefore it will be necessary in some cases to make still further temporary adjustments.

The Congress has shared with the Executive in the past



the consideration of questions arising from these debts I am sure that it will commend itself to the Congress that the legislative branch of the Government should continue to share this responsibility

In order that we should be in a position to deal with the situation, I recommend the re-creation of the World War Foreign Debt Commission, with authority to examine such problems as may arise in connexion with these debts during the present economic emergency, and to report to the Congress its conclusions and recommendations.

## 2 *Joint Resolution of Congress, December 23, 1931*

JOINT Resolution to authorize the postponement of amounts payable to the United States from foreign Governments during the fiscal year 1932, and their repayment over a ten year period beginning July 1, 1933

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of each of the following countries Austria, Belgium, Czechoslovakia, Estonia, Finland, France, Germany, Great Britain Greece Hungary, Italy, Latvia, Lithuania Poland, Rumania, and Yugoslavia, the Secretary of the Treasury with the approval of the President, is authorized to make, on behalf of the United States, an agreement with the Government of such country to postpone the payment of any amount payable during the fiscal year beginning July 1, 1931 by such country to the United States in respect of its bonded indebtedness to the United States, except that in the case of Germany the agreement shall relate only to amounts payable by Germany to the United States during such fiscal year in respect of the costs of the Army of Occupation.

### Section 2

Each such agreement on behalf of the United States shall provide for the payment of the postponed amounts, with interest at the rate of 4 per cent. per annum beginning July 1, 1933, in ten equal annuities, the first to be

paid during the fiscal year beginning July 1, 1933, and one during each of the nine fiscal years following, each annuity to be payable in one or more instalments.

### Section 3

No such agreement shall be made with the Government of any country unless it appears to the satisfaction of the President that such Government has made, or has given satisfactory assurances of willingness and readiness to make, with the Government of each of the other countries indebted to such country in respect of war, relief or reparation debts an agreement in respect of such debt substantially similar to the agreement authorized by this joint resolution to be made with the Government of such creditor country on behalf of the United States

### Section 4

Each agreement authorized by this joint resolution shall be made so that payments of annuities under such agreement shall, unless otherwise provided in the agreement (1) be in accordance with the provisions contained in the agreement made with the Government of such country under which the payment to be postponed is payable, and (2) be subject to the same terms and conditions as payments under such original agreement.

### Section 5

It is hereby expressly declared to be against the policy of Congress that any of the indebtedness of foreign countries to the United States should be in any manner cancelled or reduced and nothing in this joint resolution shall be construed as indicating a contrary policy or as implying that favourable consideration will be given at any time to a change in the policy hereby declared.

*3. Mr. Neville Chamberlain, House of Commons,  
December 14, 1932*

I know, perhaps have begun my story with the conclusion of the Lausanne Conference, which has already been

discussed in this House, but I think it would be better that I should go back a little farther, because it is only by examining the whole history of this affair that it is possible to realize how strong is the title of this country to claim that the whole subjects of debts should be revised, how consistently and persistently successive British Governments have from the beginning urged the cancellation of the whole of reparations and war debts, how reluctantly other countries have accepted that view, but how steadily they have been forced by the power of hard facts and by bitter experiences to come closer and closer to the point of view originally enunciated by the British Government. I would like to add this, that when we are told that contracts must be kept sacred, and that we must on no account depart from the obligations which we have undertaken, it must not be forgotten that we have other obligations and responsibilities obligations not only to our own countrymen but to many millions of human beings throughout the world, whose happiness or misery may depend upon how far the fulfilment of these obligations is insisted upon on the one side and met on the other.

I may remind the House that the whole of our debt to the United States was incurred after that country had entered the War. Our expenditure in the United States after they had joined us amounted to £1 444 000 000, out of which we found from our own resources £258,000,000. We were reimbursed by our Allies, for expenditure on their behalf £371,000 000, and the remainder of the £1,444 000 000 namely, £815,000,000 was financed by a loan from the United States Government. I would like to emphasize that the whole of that expenditure was for the purposes of the War. The whole of it was expended on goods purchased in the United States, some of it on munitions, some on food some on clothes. Whether it took the form of munitions which were blown to pieces in Flanders or of food which was consumed by our people and our soldiers, or of uniforms which were worn to rags in the course of the fighting the whole of that expenditure was just as non productive as if it had been spent entirely

upon tanks or artillery or shells. There was no addition to the wealth of this country, and really there is no distinction between the various war services upon which that money was spent.

When, however, the War was over we were left with this huge debt to the United States, incurred for a purpose in the pursuit of which she as well as we had been engaged, on their part our Allies also had incurred great debts; while upon Germany lay the immense burden of reparations. The question was how these debts were to be dealt with. Very early in the history of the post war period the British Government came to this conclusion, that payment of these great inter-governmental obligations inevitably postponed indefinitely the economic recovery of the world. On August 5, 1920, the right hon. Gentleman the Member for Carnarvon Boroughs (Mr. Lloyd George), who was then Prime Minister, wrote to President Wilson that the British Government had informed the French Government that it would agree to any equitable arrangement for the reduction or cancellation of inter-Allied indebtedness, but that such an arrangement 'must be one that applies all round'. President Wilson's reply was not encouraging. He said

The United States Government is not prepared to consent to the remission of any part of the debt of Great Britain to the United States,

and he asked that a British representative should go to Washington without delay to fund the war debt. After that, the Coalition Government had, I believe, decided to send a Mission to the United States, in order to carry out the funding of the debt. In the meantime, the Balfour Note had been published.

I recall the terms of the Balfour Note, which said that the British Government was in favour of writing off, through one great transaction, the whole body of inter-Allied indebtedness.

Failing this [it was said] we do not in any event desire to make a profit, and in no circumstances do we propose to ask more from our debtors than is necessary to pay our creditors.

Then it was added—

and while we do not ask for more, all will admit that we can hardly be content with less

I would just like to remind the House of what our position as to debts was at that time, as detailed in the Balfour Note. There was due to us by Germany £1,450,000,000, by France, Italy, and other European debtors, £1,300,000,000, by Russia £650,000,000, making a total owed to us of £3,400,000,000.

Against that, our debt to the United States of America, together with accrued interest at that time, amounted to £850,000,000. The House will see therefore that in the Balfour Note what we offered was, preferably, total cancellation all round, and failing that, an offer on our part to waive our surplus of £2,550,000,000. It is seen how ready were the Government of this country to show their good faith and their sincerity in their affirmations, by sacrifices on the part of the British taxpayer. Before the Mission of the Coalition Government could go to America, that Government fell, and consequently it became the task of my right hon. Friend the Lord President of the Council to carry out the agreement with the United States. My right hon. Friend is sometimes accused of having invented the American debt. Imaginative journalists, with more than a spice of malice in their hearts, have accused him of having fastened the burden of the American debt upon the shoulders of this country. Of course, the fact was that the debt existed before my right hon. Friend went to the United States. It existed in the form of notes of hand payable on demand, and what in fact my right hon. Friend was able to do was to obtain a remission of the debt which, on the basis of 5 per cent. interest, amounted to 28 per cent. of the original figure. In our turn, we also carried out funding agreements, and my right hon. Friend the Member for Epping (Mr. Churchill) in 1926 made an agreement with the Italian Government which scaled down their debt, on the same basis, by no less than 86 per cent., and in the same year he made an

agreement with the French Government which scaled down theirs, still on the same basis, by 62 per cent

In the meantime, reparations also had begun the downward path. In 1924, under the Dawes Agreement, the original fantastic figure as it sounds to us now, of £6,600,000,000 of reparations was brought down to a total capital liability of about £2,000 000,000. In the early days of those agreements, and in the early days of the Dawes Plan, the annuities payable by Germany were paid without much difficulty, partly because the early payments were smaller in character than the later ones, but largely also because at that time the United States of America was lending very large sums to Europe. In fact, the real position was that the reparations were being paid out of the American loans to Germany, and the Allied countries out of these reparations were paying their annuities to the United States.

Unfortunately, that was not a position which could go on indefinitely. In 1929 there began that great fever of stock exchange speculation in the United States, and instead of long term loans to Europe, only short term credits were at that time granted, in the hope and expectation that very soon these short term credits would be replaced by further long term loans. In October of that year came the crash on the American stock exchange and immediately all the short term credits were withdrawn, so far as that was possible, and the crisis arose which hon Members have not forgotten. In 1930 it was seen that the annuities fixed under the Dawes Plan for Germany were still too high, and, with the extraordinary optimism which has characterized the proceedings of the nations all through this history, a final settlement was made with Germany under the Young Plan, by which the £2,000 000 000 to which I have already alluded was scaled still further down to £1 600,000 000.

So we see, as I said before, that step by step the nations were being forced to come nearer and nearer to the goal which we had set before ourselves at the outset. In May 1931, confidence in Europe had so far disappeared, and

credits were so far frozen, that it was no longer possible to avoid disaster. The Credit Anstalt fell, and very soon it became clear that Germany herself was heading for bankruptcy, and that those loans which had been made by the United States and by other countries to Germany and to some of her neighbours were likely in all probability to become a total loss.

It was in these circumstances that, in June, 1931, President Hoover proposed a moratorium. He proposed, not a moratorium only of war debts, but, by implication, he recognized the connexion between war debts and reparations, for his proposal was that all inter governmental debts should be suspended for the space of one year. Many people thought at the time that one year was not nearly enough, and they have been proved since to have been right, but, for the moment, the Hoover Moratorium saved the situation, and once again hope sprang in the breasts of those who had so often hoped in vain before, for it was thought possible that, when the Hoover Moratorium came to an end, circumstances would have so changed that the resumption of those debts could begin again.

In July of that year, as affairs were still serious, there took place the London Conference. Once again, at the London Conference in July, the British Government urged its old policy of cancellation. Unfortunately, neither the American nor the French representatives at that Conference were at that time prepared to entertain any proposal of the kind. The London Conference, therefore, failed to achieve any improvement in the situation so far as inter governmental debts were concerned.

Now we are getting very close to the events which led up to the Lausanne Conference. I would like, first, to recall that, in October of 1931, the French Prime Minister, at that time M. Laval, paid a visit to Washington, where he had conversations with President Hoover, and at the end of those conversations a communiqué was issued at Washington, from which I quote these words:

Prior to the expiration of the Hoover year some agreement on inter governmental obligations may be necessary covering

the period of business depression. The initiative in this matter should be taken early by the European Powers principally concerned, within the framework of the agreements existing prior to the 15th July, 1931.

I may say that the United States Government indicated also to the British Ambassador that, if the European Powers devised a reasonable reparations settlement, this would be the best method of approach with a view to the revision of war debts due to the United States of America. That is an important matter, because it is the justification for the statement in a recent British Note that the initiative taken by the European countries at the Lausanne Conference was taken with the cognizance and approval of the United States Government. In December of last year, the Special Advisory Committee appointed under the Young Plan, on which, of course, an American representative sat, issued a report in which they said

The adjustment of all inter governmental debts, reparations, and other war debts, to the existing troubled situation of the world—and this adjustment should take place without delay if new disasters are to be avoided—is the only lasting step capable of re-establishing confidence which is the very condition of economic stability and real peace. We appeal to the Governments on whom the responsibility for action rests to permit of no delay in coming to decisions which will bring an amelioration of this great crisis which weighs so heavily on all alike.

I think the House will see then, that there were direct invitations to the European Powers to get together at the earliest possible moment to exercise their initiative to try and settle among themselves reparations, namely, that part of the twin problem which concerned them, and they had at least good reason to suppose that, if they could come to a successful conclusion there, they would have made the best approach possible to a revision of the war debts due to America. It was hoped to hold the Lausanne Conference in the first month of the present year. Owing, however, to the elections in Germany and France, the Conference had to be postponed, and, in fact, it was not



possible to hold it until June. But the time thus spent was not wasted, because during the six months a very remarkable change took place in European public opinion, and particularly in France; and, owing largely to that change in public opinion, it was found possible to achieve at Lausanne a success far more complete than at least was anticipated, I think, by most people before the actual Conference had begun.

The effect of Lausanne was that it put an end to the existing system of reparations, and the Conference opened in a far more favourable atmosphere to the views which had been so constantly urged by the British Government than had ever existed before. I know that an opinion has been expressed that, if we had only been sufficiently persistent, we might have obtained at Lausanne a total cancellation. That is a matter which is incapable of proof. All that we can say is that we did our best, and, if we did not actually obtain total and complete cancellation, at any rate we got something very near it, since the ultimate maximum liability to which Germany is now exposed in respect of reparations is only £150,000,000, instead of the £1,600,000,000 at which it was left under the Young Plan.

I may say, in passing, that the renewal of confidence which followed upon the success of the Lausanne Conference had very wide results, and, among other things, it is fair to say that the value of the money which had been lent by the United States to Europe was very materially appreciated, if not saved altogether, by the success of that Conference. But I would also like to say that Lausanne was really only the second stage in the process of putting an end to the whole system of reparations. The first stage was the Hoover Moratorium, which, whatever its intentions, in fact profoundly modified and changed the whole situation in regard to the system of reparations and war debts.

In my opinion, the Hoover Moratorium was wise and praiseworthy. I believe it did, as I said before, save the situation in Europe at the time, but it was no use to think that once that Moratorium had been put into operation

it was possible to go back to the system which existed before. It had a very important bearing upon how far agreements made before the Hoover Moratorium still held their old force. It was, of course, only a provisional settlement that was arrived at at Lausanne. Although the American Government had more than once expressed the view that there was no connexion between reparations and war debts, they could not prevent the actual fact that there must be such a connexion in the minds of the debtor countries. It would have been impossible for any of the signatories of the Lausanne Conference to contemplate a future system under which they could have released their debtors to them from all obligations, and at the same time be released from none of their obligations to their creditors, and, of course, that was a maxim which applied just as much to the debts owing to the United Kingdom as to the debts owing to the United States.

At Lausanne, the British Government once again urged the policy of cancellation, and once again stated that, failing total cancellation, they still stood by the policy of the Balfour Note, that is to say, they would ask for no more from their debtors than they were obliged to pay to their creditors. But, at the same time, as I said before, they could hardly be content to ask for less, and if the United States of America had been willing to send a representative to Lausanne, then, indeed, we might have made a final settlement upon the spot, but since they were not willing to do that, since we had to carry on the discussions on reparations without them, all we could do was to make conditional settlement, only we anticipated that we should be able to enter upon discussions with the United States Government, not immediately, it is true, owing to the intervention of the Presidential Election, but as soon as that election was over, and we undertook, accordingly, that we would suspend any request for payment in respect of inter-Allied debts until either the Lausanne settlement was ratified, or until it was decided that no ratification was possible, it being understood that ratification by the signatories of the Lausanne Conference

would depend upon their obtaining a satisfactory settlement with the United States

Now I come down to the present negotiations, which, no doubt, are fresh in the minds of all hon and right hon Members. The first step was taken by the transmission of the British Note of November 10 in which we asked two things—for an exchange of views between the two Governments upon the whole question of the debt as it then stood, and, secondly, for a suspension of the payment which would fall due in the ordinary course on December 15. I must say that I had been sanguine enough to hope that we should have had a ready response to both those requests. So far as suspension was concerned, that could have been allowed without the slightest prejudice to the ultimate settlement. Indeed, we specifically stated that that was our desire, and that having been the course that we had followed ourselves at Lausanne with our debtors we did not see any valid reason why similar treatment should not be meted out to us. However, we were disappointed to receive the note of November 23 in which the United States Secretary of State said

As to the suspension of the instalment due on December 15, no authority lies within the Executive to grant such an extension and no facts have been placed in our possession which could be presented to Congress for favourable consideration

We understood those last words to be, in fact, an invitation to us to supply the facts, and, accordingly, in the longer note of December 1, we developed at considerable length the conclusions at which we had arrived that any resumption of the war-debt payments would be bound to accentuate gravely the present crisis. In the meantime, we explained fully the reasons which had actuated us in asking for a suspension. Once again I had hoped that that note, which was expressed in moderate terms, but which sought to set out as fully as was necessary all those broad considerations which had weighed so much with us—I had hoped that that note, which seemed so convincing to the people of this country, would also carry weight on the

other side I hoped that we might then have obtained that suspension for which we had asked, for I feared that if the payment on December 15 were insisted upon, one of the results might be default on the part of one or more of the European debtors. I thought, perhaps, that Congress was assuming too readily that they had only to say 'Pay', and the payment would be made, and it seemed to me that if default took place on the part of some of the European debtors, it might make it hereafter more difficult to obtain that satisfactory settlement of all the debts to the United States Government which would be necessary if the Lausanne settlement was to be ratified.

Again we were disappointed. It is true that there was one proposal discussed through diplomatic channels which for a moment led us to hope that we might be able to arrive at some agreed method of postponement. The proposal had reference to the issue of serial bonds for the amount of the instalment which would become payable at different maturities, but, unhappily, when it came to be examined more closely, it turned out that it was necessary that those bonds should be in such a form as to be marketable on the New York Stock Exchange, and it was, in fact, intended that the United States should so market them. It was obvious, of course, that that was not a postponement at all. It was merely another way—not a very agreeable way—of making payment, and, indeed, we were given to understand that cash, and cash only, would content the members of Congress. Therefore, while we appreciated the efforts of the American Government to facilitate the means of payment, we did not feel able to take advantage of them. We were obliged to express to them our conviction that suspension alone would overcome those difficulties, and our regret at their decision that they had not been able to recommend this solution to Congress.

What were we to do in view of that refusal to entertain suspension? There were three courses which were open to us. We could have declined to pay on the ground that payment would have still further aggravated the serious

situation in the world. We could have invited the United States Government, or the United States Secretary of the Treasury to exercise his power of waiving the 90 days' notice, and have requested that payment of the principal should be postponed while interest was paid. Or, thirdly, we could pay in full. I need hardly say that the Government very carefully considered all these alternatives before coming to a decision. If we had adopted the first, whatever motive we might have adduced for our action, it would, in fact, have been equivalent to default, and a default by the British Government, on a sum which they could not truthfully say they were unable to pay, would have resounded all round the world. It might have been taken as a justification for other debtors to follow their example, and, further than that, a default at that time and in those circumstances would have administered a shock to the moral sense of our people which might have had a very profound effect upon our whole conception of the meaning of obligations, public or private, with consequences that one could only guess at. We felt that in such circumstances we could not contemplate that alternative. We rejected the second alternative also. We had put forward reasons, based on very wide considerations, for the suspension of the whole payment. Our request had been refused. After that, to have gone again to make a plea *in forma pauperis* that we should be let off a part of the payment would not have been a dignified proceeding, and, indeed, it might have prejudiced the final settlement at which we hope to arrive later on. Therefore, we decided upon the third alternative, to pay in full.

I have heard or have seen suggestions that we should have done better, when we had decided to pay in full, to pay and say nothing about it. If we had taken that course, consider what would have been the consequences. If we had done that, this payment of approximately £20,000,000 would necessarily have been taken out of the purview of the final revision of the debt. We could not have reopened it. It would have been a part of past history. It would have gone with the other payments that we made

before the Hoover Moratorium. But, further than that, if we had made this payment, at the same time relinquishing all idea of discussing that payment as part of a final settlement, what would have been our position with regard to the debts owed to us? It would not have been possible to say anything on that. We should have been obliged at once to inform our Allies that we expected them to make a payment to us in respect of their debt corresponding to the payment that had been made to the United States. The mischief would not have stopped there, because the Allies must necessarily have passed on their request to Germany to begin again the payment of reparations.

Quite apart from what might have been the ultimate results of requests of that kind passing from Government to Government, will the House consider for a moment how that would have affected the good will existing between European nations, how it would have affected their relations, how it would have affected the prospects, for instance, of the Disarmament Conference which, thanks to the efforts principally of the Prime Minister, has now apparently been got going again. We could not leave our payment to be taken as though we were resuming the old system of war-debt payments. We could not leave Congress under any misapprehension as to what our views were about the possibility of continuing such payments in the previous form in the future, and, therefore, we considered it necessary, while informing the United States Government of our determination to pay the instalment, to intimate at the same time our intention, when the discussions on the final settlement began, to put forward our contention that the old régime which was interrupted by the Hoover Moratorium can never be revived. Therefore, the payment which we have made meeting our obligations is not to be taken as implying a revival of the old system, but it must be taken into account when we are considering the new régime which will be expected to result from the discussions with the United States Government. I think our position has been made perfectly clear to the United

States Government by the last exchange of notes, as theirs has been made clear to us.

#### 4. *President Roosevelt's Special Message to Congress, June 1, 1934*

To the Congress of the United States:

In my address to the Congress, January 3, I stated that I expected to report later in regard to debts owed the Government and people of this country by the Governments and people of other countries. There has been no formal communication on the subject from the Executive since President Hoover's message of December 19, 1932.

The developments are well known, having been announced to the press as they occurred. Correspondence with debtor Governments has been made public promptly and is available in the Annual Reports of the Secretary of the Treasury. It is, however, timely to review the situation. . . .<sup>1</sup>

.. On December 15, 1933, there was due and payable by foreign Governments on their debt funding agreements and Hoover moratorium agreements a total of about \$153,000,000. The payments actually received were slightly less than \$9,000,000, including \$7,500,000 paid by Great Britain, \$1,000,000 by Italy, and about \$230,000 by Finland.

At the present time Finland remains the only foreign Government which has met all payments on its indebtedness to the United States punctually and in full.

It is a simple fact that this matter of the repayment of debts contracted to the United States during and after the World War has gravely complicated our trade and financial relationships with the borrowing nations for many years.

These obligations furnished vital means for the successful conclusion of a war which involved the national existence of the borrowers, and later for a quicker restoration of their normal life after the War ended.

<sup>1</sup> Here follows a summary of developments since June 20, 1931.

The money loaned by the United States Government was in turn borrowed by the United States Government from the people of the United States, and our Government, in the absence of payment from foreign Governments, is compelled to raise the shortage by general taxation of its own people in order to pay off the original Liberty Bonds and the later refunding bonds

It is for these reasons that the American people have felt that their debtors were called upon to make a determined effort to discharge these obligations. The American people would not be disposed to place an impossible burden upon their debtors, but are nevertheless in a just position to ask that substantial sacrifices be made to meet these debts

We shall continue to expect the debtors on their part to show full understanding of the American attitude on this debt question. The people of the debtor nations will also bear in mind the fact that the American people are certain to be swayed by the use which debtor countries make of their available resources—whether such resources would be applied for the purposes of recovery as well as for reasonable payment on the debt owed to the citizens of the United States, or for purposes of unproductive nationalistic expenditure or like purposes

In presenting this report to you, I suggest that, in view of all existing circumstances, no legislation at this session of the Congress is either necessary or advisable

I can only repeat that I have made it clear to the debtor nations again and again that 'the indebtedness to our Government has no relation whatsoever to reparations payments made or owed to them', and that each individual nation has full and free opportunity individually to discuss its problem with the United States

We are using every means to persuade each debtor nation as to the sacredness of the obligation and also to assure them of our willingness, if they should so request, to discuss frankly and fully the special circumstances relating to means and methods of payment

Recognizing that the final power lies with the Congress,



I shall keep the Congress informed from time to time and make such new recommendations as may later seem advisable

*5. British Ambassador at Washington to United States Secretary of State, June 4, 1934*

In their note of December 1, 1932, His Majesty's Government in the United Kingdom gave a full statement of the reasons which convinced them that the existing system of intergovernmental war debt obligations had broken down. They pointed out the difference between these war debt obligations and normal credit operations for development purposes, they showed the economic impossibility of making transfers on the scale required by these obligations, and the disastrous effect which any further attempt to do so would have on trade and prices, they emphasized the sacrifices which the British nation had made in this matter and the injustice of the difference between their funding settlement and those accorded to other debtors. They concluded that a revision of the existing settlements was essential in the interests of world revival and they urged that further payments should be postponed pending such a revision. Nothing that has since occurred has led His Majesty's Government to change the views they then expressed

2. That the present settlement imposes upon the people of the United Kingdom a burden which is both unreasonable in itself and inequitable in relation to the treatment accorded to other countries may be clearly seen from the following figures

In respect of war advances totalling 4,277 million dollars, payments totalling 2,025 million dollars have been made up to date by His Majesty's Government to the United States Government. Yet, despite these payments, the nominal amount of the debt still outstanding as at June 15, 1934, amounts to 4,713,785,000 dollars

Meanwhile, in respect of war advances totalling 5,773,300,000 dollars made by the United States Govern-

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Meanwhile, in respect of war advances totalling 5,773,300,000 dollars made by the United States Govern-

ment to other European Governments, the aggregate payments made up to date amount to only 678,500 000 dollars. Thus, though the war advances to these other Governments exceed by one-quarter the advances made to the United Kingdom, the payments by the United Kingdom amount to three times what the United States Government has received from these other Powers.

On the other hand, His Majesty's Government are creditors as well as debtors in respect of these intergovernmental obligations. While, as stated above, they borrowed 4,277 million dollars from the United States, they themselves made war advances to the Allied Governments totalling £1,600 million (7,800 million dollars at par). These loans were raised by His Majesty's Government from the people of the United Kingdom, and the annual interest thereon, and eventually their capital repayment, must, in the absence of payments by the debtor Governments, be met out of the general taxation of their own people. In this respect, the position of the United Kingdom is precisely similar to that of the United States; but, whereas the United States have received very substantial payments against the domestic charges involved, His Majesty's Government have had to meet the domestic charges of their war loans to the Allied Governments in full, as they have paid over to the United States Government all that they have received both from war debts and war reparations, and they have, in addition, paid nearly as much again out of their own resources.

If the United States feel the burden of their war advances of 10 050 million dollars, against which they have received 2,703 million dollars, how much heavier is the burden of the United Kingdom which, with one-third of the population of the United States, has had to meet the full charges of its war advances of 7,800 million dollars without any net receipts against these charges, and has in addition made large payments out of its own resources on account of its war debt to the United States.

None the less, convinced that any resumption of payments on the past scale could not but intensify the world

crisis and might provoke financial and economic chaos, His Majesty's Government have suspended their claims on their debtors, in the hope that a general revision of these intergovernmental obligations might be effected in the interests of world recovery. But it would be impossible for them to contemplate a situation in which they would be called upon to honour in full their war obligations to others while continuing to suspend all demands for the payment of the war obligations due to them.

3. The improvement which has taken place in the budgetary situation of the United Kingdom in no way invalidates this conclusion. This improvement is due entirely to the unprecedented sacrifices made by the people of this country. Since the war they have been carrying a burden of indebtedness amounting to approximately £8 000 million (40,000 million dollars) or £170 (850 dollars) per head of their population, about one-fifth of which represents the war loans made to the Allied Governments. They have balanced their budget and even realized a surplus by the painful process of reducing expenditure and increasing taxation. For fifteen years they have been paying taxation on a scale for which it would be hard to find a parallel elsewhere. During the whole of this period the burden of taxation has been higher in the United Kingdom, and for a considerable part of the period twice as high, as in the United States of America, including all Federal, State, and local taxation. This taxation amounting to close on one-quarter of the national income, has aggravated the depression over a long period, and the necessity of maintaining the army of unemployed resulting from this depression has constituted a formidable problem to the national finances ever since the war ended. Yet, in order to restore the national credit in 1931, the people of the United Kingdom accepted further and heavy increases in taxation, accompanied by rigorous control of expenditure and cuts in salaries and allowances of all kinds, and despite all these measures the budget would have again showed a deficit last year had it not been possible to secure, by the conversion operation carried

through in 1932, a reduction in the rate of interest paid on a large proportion of the public debt. This reduction has enabled His Majesty's Government to remit a part of the emergency sacrifices imposed in 1931 and to restore a part of the cuts on salaries, and the whole of the cut in unemployment allowances, the continuance of which was imposing a severe strain on the national conscience. It would have been a gross act of social injustice to have denied this relief to the people of this country in order to pay war debts to the United States, while suspending the war debt payments due to the United Kingdom.

4 But, although it is desirable that the internal budgetary position of the United Kingdom should not be misunderstood, it is really irrelevant to the question of intergovernmental debt, the payment of which has to be related to the balance of trade and not to the volume of internal revenue. The revenues of this country are sterling revenues, whereas the debt payments to America have to be made in dollars or in gold. In order to secure the means of payment, therefore, any sums available in sterling would have to be transferred across the exchange. The attempt to transfer amounts of this magnitude would, as its immediate effect, cause a sharp depreciation of sterling against the dollar which, as His Majesty's Government understand, would not be consistent with the monetary policy of the United States Government. And in the long run such international transfers would be impossible without a radical alteration in the economic policies of the United States of America. Payment of debts implies the willingness of the creditor to accept goods and services sufficient to cover the debts due to him, over and above the goods and services required to cover his exports and to make it possible for the United States to receive payment of their claims, it would be necessary to effect a complete reversal of the existing favourable balance of trade between their country and the rest of the world. In the case of the United Kingdom, the balance of trade is heavily unfavourable and the balance of accounts is not such that His Majesty's Government could contemplate

the transfer of any substantial sum across the exchange unless it was compensated by equivalent receipts from the foreign debtors of this country. If this were done, sterling would not be affected by the payments to America, but the burden would be thrown on the currencies of the European debtor countries, thereby aggravating the present crisis which it is the object both of the United States and of His Majesty's Government to alleviate

5 Thus the question of the British war debt is only part of the wider question of the intergovernmental obligations resulting from the World War. As has already been pointed out, the United Kingdom, while it was a debtor to the United States of America, was itself a creditor for larger amounts from France, Italy, and other ex Allied Powers in respect of war debts, and these in turn are co-creditors with the United Kingdom of Germany in respect of reparations. These intergovernmental debts, as stated in the British note of December 1, 1932, are radically different from the commercial loans raised by foreign Governments on the markets for productive purposes. War debts are neither productive nor self liquidating, and the unnatural transfers required for their payment would involve a general collapse of normal international exchange and credit operations. The Administration of the United States under President Hoover recognized this fact and initiated the moratorium on inter governmental payments in 1931 in order to avert an immediate collapse. But the moratorium of 1931 caused another change in the situation, it made any resumption of the pre-existing reparation and war debt settlements impossible, and the revision of reparations embodied in the Lausanne Agreement was made subject to the conclusion of a subsequent agreement for the revision of war debts.

6 It was with these facts in mind that His Majesty's Government approached the United States Government in December 1932, and the United States Government in their note of December 7 welcomed their suggestion for a close examination between the two countries of the whole subject. After this exchange of notes His Majesty's

Government paid the instalment due on December 15, 1932, in gold, explaining that this payment was not to be regarded as a resumption of the annual payments contemplated by the existing agreement, and that it was made because there had not been time for the discussion with regard to that agreement to take place, and because the United States Government had stated that in their opinion such a payment would greatly increase the prospects of a satisfactory approach to the whole problem. In accordance with the arrangement then made, discussions took place, first in the spring and later in the autumn of last year, between representatives of the two countries, and His Majesty's Government appreciate the sympathetic manner in which their representatives were listened to. But on both occasions it was found impossible to arrive at a settlement acceptable to the two Governments in the face of the unprecedented state of world economic and financial conditions. Accordingly, the discussions were adjourned, and on June 15 and December 15, 1933, His Majesty's Government made token payments in acknowledgement of the debt, and the President expressed the personal view that he would not regard His Majesty's Government as in default.

7 In their Note of November 6 last, His Majesty's Government expressed their readiness to resume negotiations on the general question whenever, after consultation with the President, it might appear that this could usefully be done, and His Majesty's Government are glad to note that the President, in his message to Congress on June 1, has again stated that each of the debtor Governments concerned has full and free opportunity to discuss this problem with the Government of the United States. But, unfortunately, recent events have shown that discussions on the whole question with a view to a final settlement cannot at present usefully be renewed. In these circumstances His Majesty's Government would have been quite prepared to make a further payment on June 15 in acknowledgement of the debt and without prejudice to their right again to present the case for its readjustment, on the



assumption that they would again have received the President's declaration that he would not consider them in default. They understand, however, that in consequence of recent legislation no such declaration would now be possible, and, if this be the case, the procedure adopted by common agreement in 1933 is no longer practicable.

8 His Majesty's Government are, in fact, faced with a choice between only two alternatives, viz. to pay in full the sum of 262 million dollars as set forth in the communication from the United States Treasury, dated May 25, or to suspend all interim payments pending the final revision of the settlement which has been delayed by events beyond the control of the two Governments. Deeply as they regret the circumstances which have forced them to take such a decision, His Majesty's Government feel that they could not assume the responsibility of adopting a course which would revive the whole system of inter-governmental war debts payments. As already pointed out, the resumption of full payments to the United States of America would necessitate a corresponding demand by His Majesty's Government from their own war debtors. It would recreate the conditions which existed prior to the world crisis and were in large measure responsible for it. Such a procedure would throw a bombshell into the European arena which would have financial and economic repercussions over all the five continents and would postpone indefinitely the chances of world recovery.

9 Accordingly, His Majesty's Government are reluctantly compelled to take the only other course open to them. But they wish to reiterate that, while suspending further payments until it becomes possible to discuss the ultimate settlement of intergovernmental war debts with a reasonable prospect of agreement, they have no intention of repudiating their obligations, and will be prepared to enter upon further discussion of the subject at any time when, in the opinion of the President, such discussion would be likely to produce results of value.

I have, &c

R. C. LINDSAY.

## XXXIV

### JAPAN AND MANCHURIA

#### 1 *United States Secretary of State to Chinese and Japanese Governments, January 8, 1932*

WITH the recent military operations about Chinchow, the last remaining administrative authority of the Government of the Chinese Republic in South Manchuria, as it existed prior to September 18, 1931, has been destroyed. The American Government continues confident that the work of the neutral Commission, recently authorized by the Council of the League of Nations, will facilitate an ultimate solution of the difficulties now existing between China and Japan. But in view of the present situation and of its own rights and obligations therein, the American Government deems it to be its duty to notify both the Imperial Japanese Government and the Government of the Chinese Republic that it cannot admit the legality of any situation *de facto* nor does it intend to recognize any treaty or agreement entered into between those Governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the open-door policy, and that it does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928, to which treaty both China and Japan, as well as the United States, are parties.

#### 2 *Japanese Minister for Foreign Affairs to United States Ambassador, January 16, 1932*

I have the honour to acknowledge the receipt of Your Excellency's Note dated 8th January, which has had the most careful attention of this Government.

The Government of Japan were well aware that the Government of the United States could always be relied on to do everything in their power to support Japan's efforts to secure the full and complete fulfilment in every detail of the Treaties of Washington and the Kellogg Treaty for the Outlawry of War. They are glad to receive this additional assurance of the fact.

As regards the question which Your Excellency specifically mentions of the policy of the so-called "Open Door", the Japanese Government, as has so often been stated, regard that policy as a cardinal feature of the politics of the Far East, and only regret that its effectiveness is so seriously diminished by the unsettled conditions which prevail throughout China. In so far as they can secure it, the policy of the open door will always be maintained in Manchuria, as in China Proper.

They take note of the statement by the Government of the United States that the latter cannot admit the legality of matters which might impair the treaty rights of the United States or its citizens, or which might be brought about by means contrary to the Treaty of August 27, 1928. It might be the subject of an academic doubt, whether in a given case the impropriety of means necessarily and always avoids the end secured, but, as Japan has no intention of adopting improper means, that question does not practically arise.

It may be added that the treaties which relate to China must necessarily be applied with due regard to the state of affairs from time to time prevailing in that country, and that the present unsettled and distracted state of China is not what was in the contemplation of the High Contracting Parties at the time of the Treaty of Washington. It was certainly not satisfactory then, but it did not display that disunion and those antagonisms which it does to-day. This cannot affect the binding character or the stipulations of treaties, but it may in material respects modify their application, since they must necessarily be applied with reference to the state of facts as they exist.

My Government desire further to point out that any replacement which has occurred in the personnel of the administration of Manchuria has been the necessary act of the local population. Even in cases of hostile occupation—which this was not—it is customary for the local officials to remain in the exercise of their functions. In the present case they for the most part fled or resigned; it was their own behaviour which was calculated to destroy the working of the apparatus of government. The Japanese Government cannot think that the Chinese people, unlike all others, are destitute of the power of self-determination and of organizing themselves in order to secure civilized conditions when deserted by the existing officials.

While it need not be repeated that Japan entertains in Manchuria no territorial aims or ambitions, yet, as Your Excellency knows, the welfare and safety of Manchuria and its accessibility for general trade are matters of the deepest interest and of quite extraordinary importance to the Japanese people. That the American Government are always alive to the exigencies of Far Eastern questions has already been made evident on more than one occasion. At the present juncture, when the very existence of our national polity is involved, it is agreeable to be assured that the American Government are devoting in a friendly spirit such sedulous care to the correct appreciation of the situation.

I shall be obliged if Your Excellency will transmit this communication to your Government, and I avail, &c

### *3. Recommendations of the Committee of Nineteen to the Assembly of the League of Nations, February 15, 1933*

#### PART IV

#### *Statement of the Recommendations*

This part sets forth the recommendations which the Assembly deems just and proper in regard to the dispute

## SECTION I

The recommendations of the Assembly take into account the very special circumstances of this case and are based on the following principles, conditions, and considerations:

(a) The settlement of the dispute should observe the provisions of the Covenant of the League, the Pact of Paris, and the Nine-Power Treaty of Washington.

Article 10 of the Covenant of the League provides that 'the Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League'.

According to Article 2 of the Pact of Paris, 'the High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature, or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means'.

According to Article I of the Nine-Power Treaty of Washington, 'the Contracting Powers, other than China, agree to respect the sovereignty, the independence, and the territorial and administrative integrity of China'.

(b) The settlement of the dispute should observe the provisions of Parts I and II of the Assembly resolution of March 11, 1932.

In that resolution, which has already been quoted in this Report, the Assembly considered that the provisions of the Covenant were entirely applicable to the present dispute, more particularly as regards

- (1) The principle of a scrupulous respect for treaties,
- (2) The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League,
- (3) Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement.

The Assembly has adopted the principles laid down by the President in Office of the Council in his declaration of December 10, 1931, and has recalled the fact that twelve Members of the Council had again invoked those principles in their appeal to the Japanese Government on February 16, 1932, when they declared that no infringement of the territorial integrity and no change in the political independence of any Member of the League, brought about in disregard of Article 10 of the Covenant, ought to be recognized as valid and effectual by Members of the League.

The Assembly has stated its opinion that the principles governing international relations and the peaceful settlement of disputes between Members of the League, above referred to, are in full harmony with the Pact of Paris. Pending the steps which it might ultimately take for the settlement of the dispute which had been referred to it, it has proclaimed the binding nature of the principles and provisions referred to above, and declared that it was incumbent upon the Members of the League not to recognize any situation, treaty, or agreement which might be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

Lastly, the Assembly has affirmed that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should be sought under the stress of military pressure on the part of either party, and has recalled the resolutions adopted by the Council on September 30 and December 10, 1931, in agreement with the parties.

(c) In order that a lasting understanding may be established between China and Japan on the basis of respect for the international undertakings mentioned above, the settlement of the dispute must conform to the principles and conditions laid down by the Commission of Inquiry in the following terms:

<sup>1</sup> *Compatibility with the interests of both China and Japan.*

<sup>2</sup> Both countries are Members of the League and each is entitled to claim the same consideration from the League.

A solution from which both did not derive benefit would not be a gain to the cause of peace

*'2. Consideration for the Interests of the Union of Soviet Socialist Republics*

'To make peace between two of the neighbouring countries without regard for the interests of the third would be neither just nor wise, nor in the interests of peace

*'3 Conformity with existing multilateral treaties*

'Any solution should conform to the provisions of the Covenant of the League of Nations, the Pact of Paris, and the Nine-Power Treaty of Washington.

*'4 Recognition of Japan's Interests in Manchuria*

'The rights and interests of Japan in Manchuria are facts which cannot be ignored, and any solution which failed to recognize them, and to take into account also the historical associations of Japan with that country, would not be satisfactory

*'5 The establishment of new treaty relations between China and Japan*

'A re statement of the respective rights, interests, and responsibilities of both countries in Manchuria in new treaties, which shall be part of the settlement by agreement, is desirable if future friction is to be avoided and mutual confidence and co-operation are to be restored

*'6 Effective provision for the settlement of future disputes*

'As a corollary to the above it is necessary that provision should be made for facilitating the prompt settlement of minor disputes as they arise

*'7 Manchurian autonomy*

'The Government in Manchuria should be modified in such a way as to secure, consistently with the sovereignty and administrative integrity of China, a large measure of autonomy designed to meet the local conditions and

special characteristics of the Three Provinces. The new civil régime must be so constituted and conducted as to satisfy the essential requirements of good government.

*'8 Internal order and security against external aggression*

'The internal order of the country should be secured by an effective local gendarmerie force, and security against external aggression should be provided by the withdrawal of all armed forces other than gendarmerie, and by the conclusion of a treaty of non-aggression between the countries interested.

*'9 Encouragement of an economic rapprochement between China and Japan*

'For this purpose, a new commercial treaty between the two countries is desirable. Such a treaty should aim at placing on an equitable basis the commercial relations between the two countries, and bringing them into conformity with their improved political relations.

*'10 International co-operation in Chinese reconstruction*

'Since the present political instability in China is an obstacle to friendship with Japan and an anxiety to the rest of the world (as the maintenance of peace in the Far East is a matter of international concern) and since the conditions enumerated above cannot be fulfilled without a strong Central Government in China, the final requisite for a satisfactory solution is temporary international co-operation in the internal reconstruction of China, as suggested by the late Dr. Sun Yat sen.'

## SECTION II

The provisions of this section constitute the recommendations of the Assembly under Article 15, paragraph 4, of the Covenant.

Having defined the principles, conditions, and considerations applicable to the settlement of the dispute,

The Assembly recommends as follows:

1. Whereas the sovereignty over Manchuria belongs to China,



*A* Considering that the presence of Japanese troops outside the zone of the South Manchuria Railway, and their operations outside this zone, are incompatible with the legal principles which should govern the settlement of the dispute, and that it is necessary to establish as soon as possible a situation consistent with these principles,

The Assembly recommends the evacuation of these troops. In view of the special circumstances of the case, the first object of the negotiations recommended hereinafter should be to organize this evacuation and to determine the methods, stages, and time limits thereof

*B* Having regard to the local conditions special to Manchuria, the particular rights and interests possessed by Japan therein, and the rights and interests of third States,

The Assembly recommends the establishment in Manchuria, within a reasonable period, of an organization under the sovereignty of, and compatible with the administrative integrity of, China. This organization should provide a wide measure of autonomy, should be in harmony with local conditions, and should take account of the multilateral treaties in force, the particular rights and interests of Japan, the rights and interests of third States, and, in general, the principles and conditions reproduced in Section I (c) above, the determination of the respective powers of, and relations between, the Chinese Central Government and the local authorities should be made the subject of a Declaration by the Chinese Government, having the force of an international undertaking.

2 Whereas, in addition to the questions dealt with in the two recommendations 1*A* and 1*B*, the Report of the Commission of Inquiry mentions in the principles and conditions for a settlement of the dispute, set out in Section I (c) above, certain other questions affecting the good understanding between China and Japan, on which peace in the Far East depends,

The Assembly recommends the parties to settle these questions on the basis of the said principles and conditions

3 Whereas the negotiations necessary for giving effect to the foregoing recommendations should be carried on by means of a suitable organ,

The Assembly recommends the opening of negotiations between the two parties in accordance with the method specified hereinafter

Each of the parties is invited to inform the Secretary-General whether it accepts, so far as it is concerned, the recommendations of the Assembly, subject to the sole condition that the other party also accepts them

The negotiations between the parties should take place with the assistance of a Committee set up by the Assembly as follows. The Assembly hereby invites the Governments of . . . , each to appoint a member of the Committee, as soon as the Secretary-General shall have informed them that the two parties accept the Assembly's recommendations. The Secretary-General shall also notify the Governments of the United States of America and of the Union of Soviet Socialist Republics of this acceptance, and invite each of them to appoint a member of the Committee should it so desire. Within one month after having been informed of the acceptance of the two parties, the Secretary-General shall take all suitable steps for the opening of negotiations.

In order to enable the Members of the League after the opening of negotiations, to judge whether each of the parties is acting in conformity with the Assembly's recommendations

(a) The Committee will, whenever it thinks fit, report on the state of the negotiations, and particularly on the negotiations with regard to the carrying out of recommendations 1A and B above, as regards recommendation 1A, the Committee will in any case report within three months of the opening of negotiations. These reports shall be communicated by the Secretary-General to the Members of the League and to the non Member States represented on the Committee,

(b) The Committee may submit to the Assembly all questions relating to the interpretation of Section II of

Part IV of the present Report. The Assembly shall give this interpretation in the same conditions as those in which the present Report is adopted, in conformity with Article 15, paragraph 10, of the Covenant.

### SECTION III

In view of the special circumstances of the case, the recommendations made do not provide for a mere return to the *status quo* existing before September 1931. They likewise exclude the maintenance and recognition of the existing régime in Manchuria, such maintenance and recognition being incompatible with the fundamental principles of existing international obligations and with the good understanding between the two countries on which peace in the Far East depends.

It follows that, in adopting the present Report, the Members of the League intend to abstain, particularly as regards the existing régime in Manchuria, from any act which might prejudice or delay the carrying out of the recommendations of the said Report. They will continue not to recognize this régime either *de jure* or *de facto*. They intend to abstain from taking any isolated action with regard to the situation in Manchuria, and to continue to concert their action among themselves, as well as with the interested States not Members of the League. As regards the Members of the League who are signatories of the Nine-Power Treaty, it may be recalled that, in accordance with the provisions of that Treaty 'Whenever a situation arises which, in the opinion of any one of them, involves the application of the stipulations of the present Treaty and renders desirable discussion of such application, there shall be full and frank communication between the contracting Powers concerned.'

In order to facilitate as far as possible the establishment in the Far East of a situation in conformity with the recommendations of the present Report, the Secretary-General is instructed to communicate a copy of this Report to the States non Members of the League who are signatories of the Pact of Paris or of the Nine-Power

Treaty, informing them of the Assembly's hope that they will associate themselves with the views expressed in the Report, and that they will, if necessary, concert their action and their attitude with the Members of the League

#### *4 Resolutions adopted by the Special Assembly of the League, February 24, 1933*

(a) THE Assembly, in view of the failure of the efforts which, under Article 15, paragraph 3, of the Covenant, it was its duty to make with a view to effecting a settlement of the dispute submitted for its consideration under paragraph 9 of the said article, adopts, in virtue of paragraph 4 of that article, the following Report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto

(b) Whereas, in virtue of Article 3, paragraph 3, of the Covenant, the Assembly may deal at its meetings with any matter affecting the peace of the world and therefore can not regard with indifference the development of the Sino-Japanese dispute,

And whereas according to Part IV, Section III, of the Report adopted by the Assembly in virtue of Article 15, paragraph 4, the Members of the League 'intend to abstain from taking any isolated action with regard to the situation in Manchuria, and to continue to concert their action among themselves as well as with the interested States non Members of the League' and 'in order to facilitate as far as possible the establishment in the Far East of a situation in conformity with the recommendations of the present Report, the Secretary General is instructed to communicate a copy of this Report to the States non Members of the League who are signatories of or have acceded to the Pact of Paris or the Nine-Power Treaty, informing them of the Assembly's hope that they will associate themselves with the views expressed in the Report and that they will if necessary concert their action and their attitude with the Members of the League',

The Assembly decides to appoint an advisory com-

mittee to follow the situation, to assist the Assembly in performing its duties under Article 3, paragraph 3, and, with the same objects, to aid the Members of the League in concerting their action and their attitude among themselves and with the non-Member States

The Committee will consist of the members of the Committee of Nineteen and the representatives of Canada and the Netherlands

The Committee will invite the Governments of the United States of America and the Union of Soviet Socialist Republics to co-operate in its work.

It shall report and make proposals to the Assembly whenever it thinks fit. It shall also communicate its reports to the Governments of the States non Members of the League which are co-operating in its work

The Assembly shall remain in session and its President, after consulting the committee, may convene it whenever he thinks fit.

### *5 Rescript of the Emperor of Japan, March 27, 1933*

WHEN the League of Nations came into being upon the restoration of general peace, our Imperial Father was pleased to order entry of our Empire thereto, and we in our turn have laboured assiduously to fulfil the high purpose of the late Emperor. It is thus that our Empire has for these thirteen years past extended consistently its co-operation to the League

Now Manchukuo having of late been founded, our Empire deems it essential to respect the independence of the new State and to encourage its healthy development, in order that the sources of evil in the Far East may be eradicated and enduring peace thereby established. Unhappily there exists between our Empire and the League of Nations a wide divergence of view in this regard, and it has devolved upon us to cause our Government to take, upon mature deliberation, necessary steps for withdrawal of our Empire from the League

However, advancement of international peace is what as evermore we desire, and our attitude towards enter-

prises of peace shall sustain no change. By quitting the League and embarking on a course of its own, our Empire does not mean that it will stand aloof in the extreme Orient nor that it will isolate itself thereby from the fraternity of Nations. It is our desire to promote mutual confidence between our Empire and all other Powers and to make known the justice of its cause throughout the world.

Every country is overtaken to day by emergencies of unprecedented magnitude. Our Empire itself is confronted by a situation fraught with momentous possibilities. It is indeed the hour that calls for intensification of effort on the part of our entire nation. We command that all public servants, whether civil or military, shall faithfully perform their appointed duty, and that all private citizens shall pursue their wonted tasks with diligence. Stray not, in advancing, from the path of rectitude, and in action, embrace always the golden mean. Strive to meet the present situation with united will and with courage and resolution. So may ye carry forward the glorious work bequeathed by our Grandsire and contribute to the prosperity and well-being of mankind.

*6 Telegram from the Japanese Minister of Foreign Affairs to the Secretary-General of the League announcing Japan's Withdrawal from the League, March 27, 1933*

The Japanese Government believe that the national policy of Japan, which has for its aim to ensure the peace of the Orient and thereby contribute to the cause of peace throughout the world, is identical in spirit with the mission of the League of Nations, which is to achieve international peace and security. It has always been with pleasure, therefore, that this country has for thirteen years past, as an original Member of the League, and a permanent member of its Council, extended a full measure of co-operation with her fellow members towards the attainment of its high purpose. It is indeed a matter of historical fact that Japan has continuously

participated in the various activities of the League with a zeal not inferior to that exhibited by any other nation. At the same time, it is, and has always been, the conviction of the Japanese Government that in order to render possible the maintenance of peace in various regions of the world, it is necessary in existing circumstances to allow the operation of the Covenant of the League to vary in accordance with the actual conditions prevailing in each of those regions. Only by acting on this just and equitable principle can the League fulfil its mission and increase its influence.

Acting on this conviction, the Japanese Government have, ever since the Sino-Japanese dispute was, in September 1931, submitted to the League, at meetings of the League, and on other occasions, continually set forward a consistent view. This was, that if the League was to settle the issue fairly and equitably, and to make a real contribution to the promotion of peace in the Orient, and thus enhance its prestige, it should acquire a complete grasp of the actual conditions in this quarter of the globe, and apply the Covenant of the League in accordance with these conditions. They have repeatedly emphasized and insisted upon the absolute necessity of taking into consideration the fact that China is not an organized State—that its internal conditions and external relations are characterized by extreme confusion and complexity, and by many abnormal and exceptional features—and that, accordingly, the general principles and usages of international law which govern the ordinary relations between nations are found to be considerably modified in their operation so far as China is concerned, resulting in the quite abnormal and unique international practices which actually prevail in that country.

However, the majority of the Members of the League evinced in the course of its deliberations during the past seventeen months a failure either to grasp these realities or else to face them and take them into proper account. Moreover, it has frequently been made manifest in these deliberations that there exist serious differences of opinion

between Japan and these Powers concerning the application and even the interpretation of various international engagements and obligations, including the Covenant of the League and the principles of international law. As a result, the Report adopted by the Assembly at the Special Session of February 24 last, entirely misapprehending the spirit of Japan, pervaded as it is by no other desire than the maintenance of peace in the Orient, contains gross errors both in the ascertainment of facts and in the conclusions deduced. In asserting that the action of the Japanese army at the time of the incident of September 18, and subsequently, did not fall within the just limits of self-defence, the Report assigned no reasons and came to an arbitrary conclusion, and in ignoring alike the state of tension which preceded, and the various aggravations which succeeded, the incident—for all of which the full responsibility is incumbent upon China—the Report creates a source of fresh conflict in the political arena of the Orient. By refusing to acknowledge the actual circumstances that led to the foundation of Manchukuo, and by attempting to challenge the position taken up by Japan in recognizing the new State, it cuts away the ground for the stabilization of the Far Eastern situation. Nor can the terms laid down in its recommendations—as was fully explained in the Statement issued by this Government on February 25 last—ever be of any possible service in securing enduring peace in these regions.

The conclusion must be that, in seeking a solution of the question, the majority of the League have attached greater importance to upholding inapplicable formulae than to the real task of assuring peace, and higher value to the vindication of academic theses than to the eradication of the sources of future conflict. For these reasons, and because of the profound difference of opinion existing between Japan and the majority of the League in their interpretation of the Covenant and of other treaties, the Japanese Government have been led to realize the existence of an irreconcilable divergence of views, dividing Japan and the League on policies of peace, and especially



as regards the fundamental principles to be followed in the establishment of a durable peace in the Far East. The Japanese Government, believing that in these circumstances there remains no room for further co-operation, hereby give notice, in accordance with the provisions of Article 1, Paragraph 3, of the Covenant, of the intention of Japan to withdraw from the League of Nations.

\* (Signed) COUNT YASUYA UCHIDA,  
Minister for Foreign Affairs of Japan

*7. Truce Agreement between the Chinese and Japanese Military Authorities, Tançku, May 31, 1933*

(i) The Chinese army will withdraw to the west and south of the line from Yen-Ching to Chang Ping, Kao-Li-Yung, Sun-Yi, Tung-Chow, Huang Ho, Pao-Ti, Lin-Ting-Kow, Ning Ho and Lu-Tai, and undertakes not to advance beyond that line and to avoid any provocation of hostilities

(ii) The Japanese army may use aeroplanes or other means to verify the carrying-out of the above article. The Chinese authorities will afford them protection and facilities for such purpose

(iii) The Japanese army, after ascertaining the withdrawal of the Chinese army to the line stated in Article (i), undertakes not to cross the said line and not to continue to attack the Chinese troops, and shall entirely withdraw voluntarily to the Great Wall

(iv) In the region to the south of the Great Wall and to the north and east of the line as defined in Article (i), the maintenance of peace and order shall be undertaken by the Chinese police authorities

(v) The present Agreement shall come into effect upon its signature

## XXXV

# THE AGREEMENT OF UNDERSTANDING AND CO-OPERATION BETWEEN FRANCE, GERMANY, ITALY, AND THE UNITED KINGDOM

1 *Sir John Simon to the British Ambassador at Rome,  
June 7, 1933*

Sir,

I enclose the French and English texts of the 'Agreement of Understanding and Co-operation' which has been negotiated between France, Germany, Italy, and the United Kingdom. You are authorized to initial the governing text in Rome with the representatives of the other High Contracting Parties concerned. The formalities of signature will, I understand, take place as soon as the requisite documents can be prepared.

2 This Agreement is the outcome of discussions between the four Western Powers, which had their origin in the visit paid by the Prime Minister and myself to Rome in March last. Your Excellency will recollect that, a few hours before our arrival, the Italian Under-Secretary of State for Foreign Affairs communicated to Your Excellency, on Signor Mussolini's instructions, a rough draft containing the outline of the suggestions of the Italian Government on this question. Copies of the draft were at the same time communicated to your French and German colleagues for the information of their Governments. Out of this original communication, and as the result of the exchange of views which has been proceeding between London, Rome, Paris, and Berlin, the ultimate agreement has been evolved, and I desire to take this opportunity of paying my tribute to the initiative of Signor Mussolini in putting forward the suggestion, and to the goodwill and spirit of accommodation which

have characterized the efforts of all the Governments participating in the negotiation

3 In the interviews which the Prime Minister and I had the pleasure of having with Signor Mussolini at Rome on the 18th and 19th March last, the Head of the Italian Government urged that the conclusion of an agreement of this kind for co-operation between the four Powers would be a material contribution to European peace. Signor Mussolini's argument fell on willing ears. His Majesty's Government in the United Kingdom have for some time past been profoundly convinced of the importance of promoting a better understanding between the four Powers of Western Europe, who are themselves all signatories of the Treaties of Locarno and all permanent members of the Council of the League of Nations. His Majesty's Government felt that such an Agreement would tend to eliminate the danger of the formation in Europe of opposing groups and would secure that as between themselves, the direction and purpose of the policies of the Four Powers would be co-ordinated with the primary object of preserving friendly relations and strengthening mutual understanding. The underlying conception, therefore, of Signor Mussolini's proposal was strictly in accordance with the Declaration regarding future European co-operation arranged in July of last year and had the heartiest approval of His Majesty's Government.

4 In its original form, however, the draft appeared to us to require further consideration and considerable amendment. In the course of our discussions at Rome with Signor Mussolini, the Prime Minister and I made certain tentative comments, while at the same time indicating that neither we nor His Majesty's Government as a whole could at short notice pronounce a definite judgement. After leaving Rome we proceeded to Paris and had a meeting with the French Ministers on the 21st March. We laid before M. Daladier and his colleagues our reflections on the proposal in its original form and had the advantage of hearing from them their first impressions on the subject. Like ourselves, they desired to see

## 274 THE AGREEMENT OF UNDERSTANDING

established in the interests of peace, within the framework and in the spirit of the Covenant of the League of Nations, a loyal co-operation between the four European Powers, and willingly agreed to make a further study of the draft. At the same time, the German Government had the opportunity of considering the text proposed, and, upon my return to London, I learned from the German Ambassador the views which his Government were disposed to form on various points arising from the document.

5 I may at this stage remind your Excellency that throughout the negotiations we have made it clear that the proposed agreement should in no sense be regarded as a substitute for, or as set in opposition to, the Covenant of the League of Nations. It is not a piece of rival or competing machinery, but is framed for the purpose of operating within the ambit of the Covenant and in fulfilment of its object. The proposed Agreement was intended, by promoting the co-operation of the four European Powers who are permanent members of the Council and Parties to the Treaties of Locarno, to aid in the maintenance of the principles for which the League stands. The methods and procedures which may fall to be studied or adopted under the Agreement are strictly in accordance with the spirit of the Covenant.

6. There is a further explanation which I feel it my duty to offer to your Excellency in view of certain misapprehensions which might otherwise arise and of which some indications actually became manifest in the course of the discussions which have now so happily terminated. The proposed Agreement was never intended to involve any attempt on the part of the four Powers, if not to impose their will on other States, at least to establish themselves as a kind of Directory in Europe. Such a conception would be entirely foreign to the principles of the Covenant, which recognizes the equal rights of all States just as in appropriate cases it requires their unanimity. I need not assure your Excellency that it was never the intention of His Majesty's Government in the United Kingdom nor, I am convinced, of any other of the Governments which

have been parties to the negotiations to attempt to establish, by means of the new Agreement, a species of hegemony in the affairs of Europe. We have throughout been concerned with the valuable lesson which would be taught by the spectacle of friendly co-operation and neighbourly understanding between the four States in this part of the world. As your Excellency knows from earlier dispatches which I have addressed to you, I have on more than one occasion been at pains to explain the attitude of His Majesty's Government in this matter to the representatives of the other Powers, and particularly to those of Belgium and Poland and of the Powers of the Little Entente. By the form which the proposed agreement has finally assumed I am confident that any erroneous impression, such as that to which I have alluded, will be completely eradicated. In this connexion I may refer, in particular, to the last paragraph of the preamble to the Agreement, which specifically states that the four Powers are 'mindful of the rights of every State, which cannot be affected without the consent of the interested party'. There can therefore be no possible doubt that the object of the Agreement (as, indeed, I stated in the House of Commons as long ago as the 13th April) is to ensure that over many years to come France, Germany, Italy, and ourselves may agree, in Europe, upon the same policy of peace. That is an object which must be generally approved, and it is entirely consistent with the aim and spirit of the Covenant of the League of Nations, and with due respect for the rights of other Powers.

7 No useful purpose would be served by commenting in detail on the individual articles of the Agreement, for they are clearly expressed and speak for themselves. Before concluding this dispatch, however, I permit myself one reference to article 2 of the Agreement, in order to remove any possible misapprehension. Your Excellency will observe that this article, while referring generally to the contents of the Covenant of the League of Nations, makes special mention of articles 10, 16, and 19 of that document. Article 10 emphasizes the sanctity of treaties

and contains an undertaking to preserve against external aggression the territorial integrity of all members of the League. Article 19 refers to the possibility of a fresh examination of treaties which have become inapplicable, and of international conditions whose continuance might endanger the peace of the world. It is manifest that article 10 and article 19 alike involve the repudiation of interference by violence and provide a code by means of which treaty rights should be observed and respected, while provision is made in appropriate cases for their peaceful adjustment. The terms of article 16 are too well known to require reproduction here. I will, however, draw your Excellency's attention to the fact that, alike in respect of articles 10, 16, and 19, the Agreement, while contemplating quadrilateral examination in respect of methods and procedure, is expressly stated to be 'without prejudice to decisions which can only be taken by the regular organs of the League of Nations'.

8 Your Excellency will clearly understand that His Majesty's Government's adherence to the new Agreement does not imply any extension of the obligations of the United Kingdom in European affairs. I took occasion, in my speech in the House of Commons on the 26th May, to explain once more the attitude of His Majesty's Government in this respect. In the course of summarizing certain heads of British foreign policy, I spoke as follows:

'We have already assumed the obligations of the Covenant, and we have assumed the obligations of the Pact of Locarno. The obligations which Britain has entered into we shall strive to perform, but our friends on the Continent well understand—and it cannot be too clearly understood—that it is no part of the policy of Great Britain to assume further and additional obligations of this character. We take our existing responsibilities too seriously to be willing in a light-hearted and speculative fashion to enlarge them.'

9 It is a great satisfaction to His Majesty's Government that the proposal which Signor Mussolini made to the Prime Minister and myself in Rome on the 18th

March should thus, two and a half months later, bear fruit. Apart from the actual and formal provisions of the Agreement, His Majesty's Government in the United Kingdom are convinced that it embodies the expression of that spirit of conciliation and mutual co-operation without which European recovery would be impossible and the prospect of world peace would be jeopardized.

I have, &c

JOHN SIMON

## *2. Agreement of Understanding and Co-operation*

### PREAMBLE

THE President of the German Reich, the President of the French Republic, His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Italy,

Conscious of the special responsibilities incumbent on them as possessing permanent representation on the Council of the League of Nations, where the League itself and its members are concerned and of the responsibilities resulting from their common signature of the Locarno agreements

Convinced that the state of disquiet which obtains throughout the world can only be dissipated by reinforcing their solidarity in such a way as to strengthen confidence in peace in Europe

Faithful to the obligations which they have assumed in virtue of the Covenant of the League of Nations, the Locarno Treaties and the Briand-Kellogg Pact, and taking into account the Declaration of the renunciation of force, the principle of which was proclaimed in the declaration signed at Geneva on the 11th December, 1932, by their delegates at the Disarmament Conference and adopted on the 2nd March, 1933, by the Political Commission of that Conference,

Anxious to give full effect to all the provisions of the Covenant of the League of Nations, while conforming to the methods and procedure laid down therein, from which they have no intention of departing,

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Mindful of the rights of every State, which cannot be affected without the consent of the interested party,

Have resolved to conclude an agreement with these objects, and have appointed as their plenipotentiaries

The President of the German Reich

The President of the French Republic

His Majesty the King of Great Britain, Ireland, and the  
*British Dominions beyond the Seas, Emperor of*  
India

for Great Britain and Northern Ireland

His Majesty the King of Italy

Who having exchanged their full powers, found in good and due form have agreed as follows —

### ARTICLE 1

The High Contracting Parties will consult together as regards all questions which appertain to them. They undertake to make every effort to pursue, within the framework of the League of Nations a policy of effective co-operation between all Powers with a view to the maintenance of peace

### Article 2

In respect of the Covenant of the League of Nations and particularly articles 10, 16, and 19 the High Contracting Parties decide to examine between themselves and without prejudice to decisions which can only be taken by the regular organs of the League of Nations, all proposals relating to methods and procedure calculated to give due effect to these articles

### Article 3

The High Contracting Parties undertake to make every effort to ensure the success of the Disarmament Conference and should questions which particularly concern them remain in suspense on the conclusion of that Conference, they reserve the right to re-examine these questions between themselves in pursuance of the present agreement with a view to ensuring their solution through the appropriate channels



## Article 4

The High Contracting Parties affirm their desire to consult together as regards all economic questions which have a common interest for Europe and particularly for its economic restoration, with a view to seeking a settlement within the framework of the League of Nations.

## Article 5

The present agreement is concluded for a period of ten years from the date of its entry into force

If, before the end of the eighth year, none of the High Contracting Parties shall have notified to the others his intention to terminate the agreement, it shall be regarded as renewed and will remain in force indefinitely, each of the High Contracting Parties possessing in that event the right to terminate it by a declaration to that effect on giving two years' notice

## Article 6

The present agreement drawn up in English, French, German and Italian, of which the French text prevails in case of divergence, shall be ratified and the ratifications shall be deposited at Rome as soon as possible. The Government of the Kingdom of Italy will deliver to each of the High Contracting Parties a certified copy of the *procès verbaux* of deposit

The present agreement will enter into force as soon as all the ratifications have been deposited

It shall be registered at the League of Nations in conformity with the Covenant of the League

Done at Rome, the \_\_\_\_\_ in a single copy, which will remain deposited in the archives of the Government of the Kingdom of Italy. Certified copies will be delivered to each of the High Contracting Parties

In faith whereof the above-mentioned plenipotentiaries have signed the present agreement.

## XXXVI

### THE DEFINITION OF AGGRESSION

*U S S R. Conventions for the Definition of Aggression,  
July 3, 1933*

THE Central Executive Committee of the U.S.S.R., His Majesty the King of Afghanistan, the President of the Estonian Republic, the President of the Latvian Republic, His Majesty the Shah of Persia, the President of the Polish Republic, His Majesty the King of Rumania, and the President of the Turkish Republic,

Impelled by the desire to strengthen the peace existing between their countries,

Believing that the Briand Kellogg-Pact (Pact of Paris) to which they are signatories forbids all aggression,

Deeming it necessary in the interests of universal security to define as closely as possible the conception of aggression, in order to eliminate every pretext for its justification,

Declaring that every State has an equal right to independence, security, defence of its territory, and free development of its State system,

Inspired by the desire in the interests of universal peace to assure all nations of the inviolability of the territory of their countries,

Considering it useful in the interests of universal peace to put into force as between their countries precise rules for the definition of aggression, pending the universal recognition of these rules

Have decided for this purpose to conclude the present convention and have duly accredited The Central Executive Committee of the U.S.S.R.—Maxim Litvinov, People's Commissar for Foreign Affairs, His Majesty the King of Afghanistan—Ah Mohammed Khan, Minister of Education, the President of the Estonian Republic—Dr Oscar Kallas, Envoy Extraordinary and Minister

Plenipotentiary in London; the President of the Latvian Republic—M. Waldemaras Salnais, Minister of Foreign Affairs, His Majesty the Shah of Persia—Fatolla Khan Nury Esfendary, Chargé d'Affaires in London; the President of the Polish Republic—M. Edouard Racinski, Permanent Polish Representative to the League of Nations and Envoy Extraordinary and Minister Plenipotentiary, His Majesty the King of Rumania—M. Nicolas Titulescu, Minister of Foreign Affairs, the President of the Turkish Republic—Tevfik Rüstü-Bey, Minister of Foreign Affairs

Who have agreed upon the following provisions:

### Article I

Each of the High Contracting Parties undertakes to recognize in its relations with each of the other parties, beginning with the day this convention enters into effect, the definition of aggressor outlined in the report of the Security Committee of May 24, 1933 (the Politis Report), at the Disarmament Conference, based upon the proposal of the Soviet delegation

### Article II

In accordance with the above, the aggressor in an international conflict, with due consideration to the agreements existing between the parties involved in the conflict, will be considered the State which will be the first to commit any of the following acts

- 1 Declaration of war against another State,
- 2 Invasion by armed forces, even without a declaration of war, of the territory of another State,
- 3 An attack by armed land, naval, or air forces, even without a declaration of war, upon the territory, naval vessels or aircraft of another State,
- 4 Naval blockade of the coasts or ports of another State,
- 5 Aid to armed bands formed on the territory of a State and invading the territory of another State, or refusal, despite demands on the part of the State subjected

to attack, to take all possible measures on its own territory to deprive the said bands of any aid and protection

### Article III.

No considerations of a political, military, economic, or any other nature can serve as an excuse or justification of aggression as specified in Article II (see below for explanation)

Done in London, July 3, 1933

MAXIM LITVINOV, ALI MOHAMMED KHAN, OSCAR KALLAS, WALDEMARAS SALNAIS, FATOLLA-KHAN NURY ESFENDIARY, EDOUARD RACZINSKI, NICOLAS TITULESCU, TEVFIK RUSTU-BEY

### *Appendix to Article III on the Definition of Aggression*

The High Contracting Parties which have signed the Convention defining aggression, desirous, while retaining the complete inviolability of the absolute meaning of the rule formulated in Article III of the said Convention of giving certain indications permitting the determination of an aggressor, establish that none of the circumstances mentioned below may be used to justify any act of aggression in the sense of *Article II of the said Convention*

The internal position of any State, as for example its political, economic, or social structure alleged shortcomings of its administration, disorder following upon strikes, revolutionary or counter revolutionary movements, and civil war,

The international conduct of any State as for example infringement or a threat of infringing the material or moral rights or interests of a foreign State or its citizens rupture of diplomatic or economic relations measures of economic or financial boycott, conflicts in the sphere of economic, financial, or other obligations in connexion with foreign Governments, border incidents which do not fall under any of the cases of aggression indicated in Article II

At the same time the High Contracting Parties unanimously recognize that the present Convention must in no case serve to justify the infringements of international law which might fall under the obligations included in the foregoing list.

## XXXVII

# GERMANY AND THE LEAGUE OF NATIONS

*Herr Hitler's Proclamation to the German Nation,  
October 14, 1933*

FILLED with the sincere desire to accomplish the work of the peaceful internal reconstruction of our nation and of its political and economic life, former German Governments, trusting in the grant of a dignified equality of rights, declared their willingness to enter the League of Nations and to take part in the Disarmament Conference

To this connexion Germany suffered a bitter disappointment.

In spite of our readiness to carry through German disarmament at any time, if necessary, to its ultimate consequence, other Governments could not decide to redeem the pledges signed by them in the Peace Treaty

By the deliberate refusal of real moral and material equality of rights to Germany, the German nation and its Governments have been profoundly humiliated

After the German Government had declared, as a result of the equality of rights expressly laid down on December 11, 1932, that it was again prepared to take part in the Disarmament Conference, the German Foreign Minister and our delegates were informed by the official representatives of other States in public speeches and direct statements that this equality of rights could no longer be granted to present-day Germany

As the German Government regards this action as an unjust and humiliating discrimination against the German nation, it is not in a position to continue, as an outlawed and second-class nation, to take part in negotiations which could only lead to further arbitrary results

While the German Government again proclaims its

unshaken desire for peace, it declares to its great regret that, in view of these imputations, it must leave the Disarmament Conference. It will also announce its departure from the League of Nations.

It submits this decision, together with a fresh statement of its adherence to a policy of sincere love of peace and readiness to come to an understanding, to the judgement of the German nation, and awaits from it a declaration of the same love of peace and readiness for peaceful relations, but also of the same conception of honour and the same determination.

As Chancellor of the German Reich, I have therefore proposed to the President of the Reich, as a visible expression of the united will of Government and people, to submit this policy of the Government to the nation in a referendum, and to dissolve the German Reichstag in order to give the German people an opportunity of electing those deputies who, as sworn representatives of this policy and of peace and honour, can give the nation the guarantee of an unswerving representation of its interests in this respect.

As Chancellor of the German nation and leader of the National-Socialist movement, I am convinced that the entire nation stands united to a man behind a declaration and a decision which arise as much from love of our people and regard for its honour, as from the conviction that the ultimate world reconciliation, which is so necessary for all, can only be attained when the conceptions of victor and vanquished give way to the nobler view of equal rights of existence.

ADOLF HITLER

## XXXVIII

### GERMANY AND REARMAMENT

*Memorandum communicated by the German Government to the French Ambassador in Berlin, December 18, 1933*

#### I

IN view of the attitude adopted by the heavily armed States, and more especially France, at Geneva during the disarmament negotiations, the German Government cannot share the opinion that there is at present any real prospect of general disarmament. It is convinced that new efforts in this direction would be as vain as the negotiations of the last few years have been. If this fear should prove unfounded, no one would be more sincerely pleased than the German Government.

Without wishing to examine the numerous considerations on which the German Government's conviction is based, it is nevertheless impossible not to mention two essential facts:

1. The reduction of the armaments of other European countries can only be practically considered if such reduction be carried out by every country in the world, but nobody believes any longer in the possibility of such general international disarmament.
2. The events of the last few months make it clear that, even if the Government of certain countries were seriously contemplating the possibility of disarming, they doubtless would not be in a position to present, with any hope of success, proposals to this effect to their parliaments for ratification.

For these reasons, the German Government feels that it can no longer cling to an illusion which can only complicate the relations between the various peoples instead of improving them. Having regard to the actual facts,

therefore, it feels justified in making the following statements

- (a) Germany is the only country that has genuinely discharged the disarmament obligations embodied in the *Treaty of Versailles*
- (b) The heavily armed States either have no intention of disarming or do not feel in a position to do so
- (c) Germany is entitled to obtain, in one way or another, equality of treatment as regards her own security

These were the facts in the mind of the German Government when it put forward its last proposal for the settlement of the problem. The statement that France has signified at Geneva her acceptance of a specific programme of disarmament in no way alters the force of these statements, for the programme which is doubtless alluded to involved conditions which Germany could not accept, and which compelled the German Government to leave the Geneva Disarmament Conference.

If the other nations should decide—as the German Government is at present convinced that they will not do—to disarm completely, the German Government announces in advance that it would be prepared to adhere to such a Convention, and to disarm also, if necessary *down to the last gun and the last machine-gun*.

If France, in particular were ready to disarm in accordance with a specific programme, the German Government would be obliged if the French Government would furnish it with figures relating to the steps it would propose to take (effectives, material, period for execution, date of starting and numerical supervision of execution).

The German Government cannot see how the adjustment of Germany's armaments, the requirements of her security, and their partial adjustment to the level of the armaments of neighbouring States, could lead to a general increase in armament and be the starting point of an armaments race. The German proposals concern defensive armaments exclusively. They are so moderate as



to leave French armaments still superior. Furthermore, they preclude any armaments race because, according to these proposals, those countries which are already heavily armed would undertake not to increase their armaments.

The German Government's plan can be summarized as follows:

1. Germany will receive complete equality of rights.
2. The heavily armed States will undertake among themselves not to exceed the present level of their armaments.
3. Germany will adhere to this Convention, undertaking of her own free will to show such moderation in availing herself of the equality of rights to be conceded to her that this equality cannot be regarded by any European Power as an offensive menace.
4. All States will acknowledge certain obligations in regard to the humane conduct of war and the non-employment of certain weapons against the civil population.
5. All States will accept a general and uniform system of supervision to verify and ensure the observance of these undertakings.
6. The European nations will guarantee among themselves the unconditional maintenance of peace by signing pacts of non aggression, to be renewed after a period of ten years.

## II

Having laid down these essential principles, the German Government makes the following remarks in regard to the particular questions put to it by the French Ambassador.

1. The figure of 300,000 men represents the strength of the army that Germany needs on account of the length of her land frontiers and the effectives of her neighbours' armies.

2. It will, of course, take several years to convert the *Reichswehr* into a short-service army of 300,000 men.

Financial considerations will likewise have a capital

influence on the duration of this period of transformation

3 The number of defensive arms claimed by Germany should correspond to the normal proportion of such arms in a modern defensive army

4 The progressive realization of this armament should necessarily proceed *pari passu* with the conversion of the *Reichswehr* referred to in paragraph 2

5 The German Government is prepared to agree to a system of general and uniform international supervision, operating periodically and automatically

6 When this supervision would begin to operate is a particular question that cannot be settled until agreement has been reached on the fundamental questions

7 The conversion of the *Reichswehr* into a short service army of 300 000 men will in no way affect the nature and character of the S.A. and the S.S.

The S.A. and the S.S. are not military organizations, and will not become such in the future. They are an inseparable factor in the political system of the National Socialist revolution and hence in the National Socialist State. They comprise some 2½ million men ranging from the age of 18 years to extreme old age. Their sole mission is to organize the political masses of our people so as to make the return of the Communist peril impossible for evermore. Whether this system will be abolished depends upon whether the Bolshevik danger continues or disappears. The National-Socialist organizations opposed to the former Marxists 'Reichsbanner' and the 'Association of Communist Ex-Soldiers' have no military character whatsoever. The attempts that have been made to establish a military connexion between the S.A. and S.S. and the *Reichswehr*, and to describe the former as auxiliary military formations emanate from political circles which see in the abolition of this protective organization of the National-Socialist movement the possibility of a fresh disintegration of the German people and a resumption of Communist activity.

In order to establish the peculiar character of the A.S.

and S.S. as political organizations whose aim is to immunize the country, intellectually and physically, against the risk of Communist disintegration, the German Government does not refuse, on the application of the supervision provided for the carrying-out of the Convention, to produce evidence of the literal truth of its assertions

8 The German Government is prepared to consider the establishment of common rules for political associations and organizations for preparatory and advanced military training in the various countries

9 The answer to the question regarding the supervision of such organizations in the various countries will be found in the particulars given at the end of paragraph 7 on the subject of the S.A. and S.S.

10 The content of the pacts of non aggression which the German Government is prepared to sign with all its neighbours may be judged from the practice of the post-war period

11 Whether, and to what extent, so far as Franco-German relations are concerned, the Rhineland Pact of Locarno concluded in 1925 gives rise to any particular considerations is a legal and technical problem which can be reserved for separate negotiation later

12 The German Government is prepared at any time to settle amicably, by whatever procedures may seem most appropriate, any disputes that may arise between France and Germany

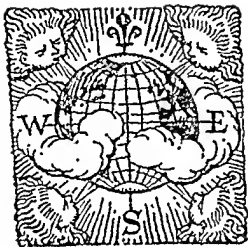
### III

The restoration of the Saar Territory to Germany without a plebiscite was suggested purely with the object of avoiding, if possible, the excitement of public opinion in France and Germany by which the plebiscite would be attended, and of sparing the Saar population the disturbance of an election campaign, the issue of which is not in doubt. If the French Government takes the view that it cannot consent to the restoration of the Saar Territory to Germany without a plebiscite, the German Government regards the question as settled

## IV

Having again quite clearly stated its views on the settlement of the disarmament problem, the German Government considers that further conversations have no chance of leading to any definite result, unless the other Governments, in their turn, unequivocally state their attitude to the German Government's view and indicate clearly and in detail how, for their part, they think that the problem can be solved

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